

**General Assembly
Security Council**

Distr.: General
18 September 2009

Original: English

**General Assembly
Sixty-fourth session**

Items 34 and 142 of the provisional agenda*

**Comprehensive review of the whole question of
peacekeeping operations in all their aspects**

**Administrative and budgetary aspects of the
financing of the United Nations peacekeeping
operations**

**Security Council
Sixty-fourth year**

**Support to African Union peacekeeping operations
authorized by the United Nations****Report of the Secretary-General****I. Introduction**

1. In its presidential statement of 18 March 2009 (S/PRST/2009/3), the Security Council reiterated its primary responsibility for the maintenance of international peace and security, recognized the important role of the African Union in the settlement of conflicts in Africa, and expressed its support for peace initiatives conducted by the African Union. In this context, the Council requested that I submit a report no later than 18 September 2009 on practical ways to provide effective support to the African Union in undertaking peacekeeping operations authorized by the United Nations, including a detailed assessment of the recommendations contained in the report dated 31 December 2008 of the African Union-United Nations panel established under Security Council resolution 1809 (2008) to consider the modalities for support to African Union peacekeeping operations (A/63/666-S/2008/813).

2. The report of the panel contained a number of recommendations on the modalities for support to African Union peacekeeping, including: (a) concrete steps to be taken by the United Nations and the African Union to strengthen their mutual relationship and develop a more effective partnership when addressing issues on the joint agenda; (b) the use of United Nations-assessed funding for African Union-led and United Nations-authorized peacekeeping operations on a case-by-case basis, for

* A/64/150 and Corr.1.



up to six months, to be provided mainly in kind and only when there is an intention to transition the mission to a United Nations peacekeeping operation; (c) the establishment of a voluntary-based multi-donor trust fund to focus on comprehensive capacity-building; (d) the consideration by the African Union to develop its logistics capacity through innovative options; and (e) the establishment of a joint United Nations/African Union team to examine the detailed modalities to implement its recommendations.

3. As noted in my 7 April 2008 report on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security (S/2008/186), the United Nations recognizes that partnerships with regional organizations, based on the comparative strengths of each organization, are a critical factor in meeting the demands of modern peacekeeping. The African Union has demonstrated its capacity to deploy peacekeeping and mediation missions rapidly to limit the escalation of conflict and human suffering and is ready to take on more responsibility in the short and long-term to assist in maintaining regional peace and security. In meeting the demands of its current undertakings and longer-term objectives, however, the African Union is facing significant challenges.

4. The present report, which was prepared by the Departments of Peacekeeping Operations, Field Support and Political Affairs provides an assessment of the recommendations of the African Union-United Nations panel and proposes practical ways in which the United Nations can assist the African Union to enhance its effectiveness in the deployment and management of peacekeeping operations. In preparing this report, the Secretariat consulted closely with the African Union Commission.

5. The first section of the report underscores the importance of a close strategic partnership between the United Nations and the African Union and provides direction with respect to the kind of mechanisms and processes that should be put in place to enhance the partnership between the two organizations. The second section of the report provides an assessment of the various mechanisms available to improve the predictability, sustainability and flexibility of financing African Union peacekeeping operations authorized by the United Nations. The third section details the key gaps in the capacity of the African Union to plan, manage, deploy and liquidate peacekeeping operations and proposes a number of measures by which the United Nations can assist in building this capacity. Within the same section, the report provides a summary of the long-term peacekeeping objective of the African Union embodied in the African Standby Force, underlining that many of the challenges that apply to the immediate peacekeeping demands of the African Union will remain relevant in operationalizing the African Standby Force.

6. While the Security Council presidential statement of 18 March 2009 requested that I provide an assessment of the recommendations contained in the report of the panel, in particular those on financing, it is important to bear in mind the position of the African Union on this matter. The African Union Assembly, in its January 2007 decision on the activities of the Peace and Security Council of the African Union and the state of peace and security in Africa (Assembly/AU/Dec.145 (VIII)), called upon the United Nations to examine, within the context of Chapter VIII of the Charter of the United Nations, the possibility of funding, through assessed contributions, peacekeeping operations undertaken by the African Union or under its

authority, with the consent of the United Nations. In its communiqué of 13 March 2009 (PSC/PR/Comm (CLXXVIII)), the African Union Peace and Security Council, while stressing that the report of the panel marked an important step in the overall efforts to enhance the capacity of the African Union to meet the peace and security challenges facing the continent, underlined the need for continued efforts to ensure predictable, sustainable and flexible funding for African Union-led peace support operations. These positions were reiterated by the African Union Commission during its consultations with the Secretariat on the preparation of the present report.

II. Strategic partnership between the United Nations and the African Union

United Nations Security Council and African Union Peace and Security Council

7. In its presidential statement of 28 March 2007 (S/PRST/2007/7), the Security Council recognized the important role of regional organizations in the prevention, management and resolution of conflicts, in accordance with Chapter VIII of the Charter. In that regard, the Security Council stressed the importance of supporting and improving in a sustained way the resource base and capacity of the African Union. In my report of 7 April 2008 (S/2008/186), I also underscored the important role of the African Union in the maintenance of regional peace and security and emphasized the need for the United Nations and the African Union to enhance their strategic relationship to ensure a clear and effective division of labour in this regard.

8. Coherence in the decision-making of the United Nations Security Council and the African Union Peace and Security Council on issues on the agenda of both organizations is critical in ensuring an effective partnership. This is particularly the case on issues where the two organizations undertake joint mediation and peacekeeping efforts. Enhanced strategic communication and a shared understanding of issues of mutual concern will inform the assumptions on which decisions are made by the respective bodies. Enhanced dialogue on decision-making will improve our collective ability to respond to the many peace and security challenges we face in Africa.

9. In my report of 7 April 2008 (S/2008/186), I noted that further work could be undertaken, with the support of the Secretariat and the African Union Commission, to strengthen coordination and consultation mechanisms between the Councils. This would include: (a) full implementation of provisions of the joint communiqué issued by the Security Council and the African Union Peace and Security Council on 11 June 2007 (S/2007/421 and Corr.1); (b) formalizing the holding, on an annual basis, of the joint meetings between the Security Council and the Peace and Security Council; and (c) further sharing of experiences on the working methods between the two bodies. The annual meetings of the Security Council and the Peace and Security Council that have taken place over the past three years are a step in the right direction. However, to be truly effective and strategic, these annual meetings require more in-depth preparation and follow-up by the two Councils.

10. Towards this end, in its communiqué of 13 March 2009 (PSC/PR/Comm (CLXXVIII)), the African Union Peace and Security Council underlined the need to ensure more regular interaction between its Chairperson and the President of the

Security Council, as well as coordination and synchronization between the Security Council and the Peace and Security Council in the area of decision-making. Both Councils in their communiqué of 16 May 2009 (S/2009/303) further "agreed to pursue their consultations on ways and means to strengthen their cooperation and partnership, as well as on the modalities for the organization of their consultations". In this regard, the Peace and Security Council has shared relevant communiqués with the Security Council following its proceedings on areas of mutual interest.

United Nations Secretariat and African Union Commission

11. Both the United Nations Security Council and the African Union Peace and Security Council remain responsible for their respective decision-making processes. The coherence of decision-making between the two Councils could enhance an effective strategic and operational partnership between the Secretariat and the Commission in conflict analysis, strategy development and operational planning and vice-versa. The work of the Secretariat and the Commission in this regard should capitalize on the respective comparative advantages of the United Nations and African Union. In its report, the panel highlighted the need for a clearly understood relationship between the Secretariat and the Commission and the establishment of a formal consultation process on issues of mutual interest.

12. At the strategic level, I keep in close contact with the Chairperson of the African Union Commission, Jean Ping, and my Under-Secretaries-General consult regularly with relevant Commissioners of the African Union Commission on areas of common interest. As recommended by the panel, both Chairperson Ping and I believe that a more structured coordination mechanism should be established between the Secretariat and the Commission at the senior level. In this regard, the United Nations and African Union will set up a joint task force on peace and security, which will meet twice a year at the level of United Nations Under-Secretaries-General and relevant African Union Commissioners to review immediate and long-term strategic and operational issues.

13. At the operational level, this partnership is already evident through our joint work on Darfur, Somalia, capacity-building, mediation and early warning, including in Kenya, Mauritania and Madagascar. There is room to further define the parameters of this partnership through coordinated development of strategic assessments and joint concepts of operation, as well as enhanced communication in management and reporting related to our joint efforts in mediation and peacekeeping. In so doing, we must recognize that the United Nations Secretariat and the African Union Commission may not always agree on all points related to these efforts. The Security Council and the Peace and Security Council may also not always agree on all points on their agenda. We should, however, acknowledge our differences in approach and try to work towards our shared objective in bringing peace and security to conflict areas.

14. In this regard, the United Nations Secretariat will note in its reporting the views of the Peace and Security Council so that the Security Council is fully aware of the views of the Peace and Security Council in its considerations. It is positive to note that the African Union Commission has been reflecting the views of the Security Council in reporting to the Peace and Security Council.

15. It is also important that the Secretariat and the Commission further enhance their regular interaction. A number of channels already exist in support of implementing the 10-year capacity-building programme of 2006, which is the overarching framework for United Nations support to the African Union in the area of peace and security. The annual consultative meetings on conflict prevention, management and resolution or desk-to-desk exchange have led to concrete joint initiatives at the country level. This desk-to-desk exchange is followed up through weekly teleconferences. These meetings cover a broad spectrum of issues, from early warning and conflict prevention to mediation and elections.

16. The desk-to-desk exchange led by the Department of Political Affairs should be broadened to include relevant officers from the Department of Peacekeeping Operations, the Department of Field Support and the Office for the Coordination of Humanitarian Affairs, when relevant. The desk-to-desk exchange may also serve as a preparatory mechanism for the annual meetings of the United Nations-African Union task force on peace and security.

17. Regular consultations are also held between the Secretariat and the Office of the Permanent Observer of the African Union to the United Nations in New York, on the one hand, and the Commission and the United Nations Secretariat presence in Addis Ababa on the other. This level of engagement has strengthened information exchange and coordination. I believe our relationship can be further enhanced by restructuring the support provided by the United Nations to the African Union in the area of peace and security, including through integrating the existing Secretariat presence in Addis Ababa. The African Union Commission and the Group of African States agree with this approach. I therefore intend to submit a proposal to the General Assembly that would rationalize and make the presence more effective while minimizing costs.

18. To more effectively engage the Secretariat and Member States on the multitude of African issues on the agenda of the Security Council, the African Union Commission also agrees that it would be important to enhance the capacity of the Office of the Permanent Observer of the African Union to the United Nations, especially in the area of peace and security. I understand that the Commission will make efforts towards this end.

III. Financing for African Union-led, United Nations-authorized peacekeeping operations

19. To date, the African Union and its regional economic communities have mounted peacekeeping operations in Burundi, Comoros, Côte d'Ivoire, Guinea-Bissau, Liberia, Sierra Leone, Somalia and the Sudan. While these missions have demonstrated the value of quick regional response, the ability to implement their respective mandates has often been constrained by a lack of military capabilities, insufficient resources and inadequate institutional capacity to plan, manage, deploy and liquidate operations. As a result, a number of African Union operations have relied heavily on donor and ad hoc support provided by the United Nations, with individual troop-contributing countries playing a critical role in some instances. Despite these challenges, the African Union and its regional economic communities have made substantial progress towards responding to immediate demands for peacekeeping in Africa while, at the same time, working to build capacity in conflict

prevention and resolution, including through the development of the African Standby Force, which is to provide the African Union with a long-term standby peacekeeping capacity.

20. As stressed by the Security Council under resolution 1809 (2008), the unavailability of predictable and sustainable resources limits the ability of the African Union to act, despite its demonstrated political will, to fulfil its commitments to peace and security in Africa. Specifically, the absence of predictable and sustainable funding has been linked to a number of critical operational limitations, including:

(a) The inability to reach mandated troop levels;

(b) Limited operational effectiveness owing to a short-term focus on the availability of funding, as opposed to a longer term strategic focus on achieving the mandate;

(c) In the case of the African Union Mission in the Sudan (AMIS), a difficult transition from an under-resourced African Union operation to a hybrid peacekeeping operation (the African Union-United Nations Hybrid Operation in Darfur (UNAMID));

(d) An unsustainable administrative, coordination and financial management burden placed on a limited African Union capacity by multiple donors' reporting and oversight mechanisms.

Recommendation of the panel

21. In the light of the above, the panel has recommended the use of United Nations-assessed funding to support United Nations-authorized African Union peacekeeping operations for a period of no longer than six months and mostly in kind. The panel recommended that such support be predicated on: (a) a case-by-case approval by the Security Council and General Assembly; and (b) an agreement between the African Union and the United Nations that the mission would transition to United Nations management within six months.

Analysis of the recommendation of the panel

22. The deployment of any peacekeeping operation must be predicated on the principle that it has the necessary support and resources required to implement its mandate. It follows that any operation must be built around the key criteria of predictability, sustainability and flexibility of funding. To date, financing for African Union peacekeeping operations has been provided by the African Union's regular budget or assessed contributions and donor contributions. In Burundi and Liberia, individual troop-contributing countries and African Union member States carried a major part of the financial burden. In the case of AMIS and the African Union Mission in Somalia (AMISOM) voluntary financing was supplemented by United Nations support packages funded through United Nations assessed contributions.

23. To date five financing mechanisms have been used to fund African Union peacekeeping operations: (a) African Union assessed contributions; (b) contributions

through individual African Union troop-contributing countries; (c) voluntary contributions; (d) United Nations support packages financed through United Nations assessed contributions; and (e) a combination of the above. These mechanisms are reviewed in the following section of this report.

African Union-assessed contributions

24. In establishing the African Union Peace and Security Council in 2004, the African Union also created a Peace Fund to provide the financial resources necessary for peace support missions and other operational activities related to peace and security. The Peace Fund is made up of financial appropriations of 6 per cent from the regular budget of the African Union (including arrears of contributions), voluntary contributions from member States, donors and other sources within Africa, including the private sector, civil society and individuals. On 31 August 2009, in its Tripoli Declaration on the elimination of conflicts in Africa and the promotion of sustainable peace (SP/ASSEMBLY/PS/DECL(I)), the Special Session of the African Union held in Tripoli requested that "the Commission to take the necessary preparatory steps for the increase of the statutory transfer from the African Union regular budget to the Peace Fund from 6 per cent to 12 per cent". In addition, the Assembly requested its member States to make voluntary contributions to the Peace Fund.

25. Since its establishment in 2004, a number of donors have contributed to the Peace Fund to finance peace support operations, mediation and conflict prevention activities. To attract further contributions to the Peace Fund it will be important for the African Union to actively engage in broadening its donor base, including through resource mobilization activities within the continent. In addition, the African Union Commission should put in place a workplan and the adequate financial accountability systems to manage increased donor funding. Ways in which the African Union can enhance its capacity in this area are described in paragraphs 46 and 47.

26. As African countries increase their capacity to provide assessed financing for the African Union peacekeeping operations, it will still be necessary for donors and partners to continue to provide logistics support and voluntary contributions to the African Union. Equally important will be the direct support to troop- and police-contributing countries in the area of equipment, self-sustainment and training, for which there continues to be a dire need.

Contributions from troop-contributing countries

27. African Union troop-contributing countries and member States provide significant resources for African Union peacekeeping operations, as well as those of the regional economic communities. South Africa provided a major contribution in taking the lead nation role in Burundi under the African Union, while Nigeria and a number of West African troop-contributing countries have done the same in Sierra Leone and Liberia under the Economic Community of West African States (ECOWAS). African member States have also provided air support for troop movements. Moreover, the cost of preparation and deployment of troops by African troop-contributing countries is not always fully reimbursed by donor contributions.

28. While the expenditures undertaken and the lead role played by African troop-contributing countries in deploying operations has been considerable, it cannot be

relied upon to cover all the requirements of a peacekeeping operation. Considerable bilateral donor support continues to be required and interoperable, central communications and headquarters mechanisms will need to be supported at the African Union or regional economic community level. As with other voluntary resources mechanisms, reliance on troop-contributing countries, even with bilateral support, will require that complex and time-consuming coordination efforts be addressed to ensure a more flexible response to requirements as they arise.

Voluntary contributions

29. Voluntary contributions have indeed facilitated the deployment and maintenance of African Union peacekeeping operations. In particular, the European Union-funded Africa Peace Facility provides a major financing mechanism, which has made available over €400 million for the period 2004-2007 and €300 million for the period 2008-2010 to support peace and security in Africa, including €200 million for peace support operations, €65 million for capacity-building of the African Peace and Security Architecture, €15 million for early response mechanisms and €20 million for contingencies.

30. Lessons from AMIS demonstrate, however, that voluntary contributions have lacked predictability and have often not been sufficient to cover all requirements of full-fledged peacekeeping operations. In addition, the coordination of voluntary contributions from a number of donors can be complex and lead to gaps. In AMIS, for example, voluntary contributions helped to sustain the Mission, but despite the best efforts of the United Nations to coordinate the funding that was provided in kind and through direct transfers, key requirements of AMIS went unfunded or experienced significant delays.

31. For voluntary contributions to conceivably meet the financial requirements of full-fledged African Union operations, donors would have to strengthen the predictability of these resources and, in this regard, take into account the full costs of an operation from the start with a plan to meeting the full financial requirements prior to deployment. Experience has shown that meeting all the requirements of a full-fledged peacekeeping operation such as AMIS or AMISOM will require a level of funding that donors have not met thus far. For example, while the Africa Peace Facility has made a significant contribution by making available approximately \$100 million per year over a three-year period to fund peacekeeping operations and early response mechanisms these funds alone would not be able to finance a full-fledged peacekeeping operation. This point is illustrated by comparison when reviewing AMISOM's logistics support requirements alone, to be provided out of the United Nations support package, which amount to approximately \$210 million over a nine-month period.

32. In addition, for voluntary financing for peacekeeping to be effective, donors must adjust their disbursement and reporting procedures to make the provision of funds as predictable and flexible as possible. It should be noted that the management of AMIS was also impeded by complicated procedures, delays in disbursements and a reliance on donor-selected contractors.

33. At the same time, donors and the African Union will need to address the complex coordination challenge to maximize resources and avoid delays and gaps that have undermined missions in the past. In this regard, it will be important for donors and partners to harmonize reporting requirements, coordinate effectively

among themselves and assist in building African Union capacity in the area of reporting.

34. To maximize the effectiveness of voluntary contributions, the African Union, with the support of the United Nations, could consider establishing a standing, flexible trust fund for African Union peacekeeping operations within the framework of the African Union Peace Fund, which, if contributed to with adequate resources, could provide the predictability and sustainability required for mounting peacekeeping operations. The United Nations could assist the African Union with financial management and oversight of the trust fund, while at the same time building capacity with the African Union. If the funds in the trust fund are not adequate to meet the requirements of a peacekeeping operation, the Security Council could consider authorizing a supplementary United Nations support package. The effectiveness of such a mechanism would depend on the willingness of donors to contribute to a trust fund and the flexibility and speed with which these funds could be released for peacekeeping operations.

United Nations support packages financed by assessed contributions

35. Acknowledging the existing gaps between voluntary support and operational requirements, the General Assembly has authorized United Nations support packages for African Union peacekeeping operations authorized by the Security Council to ensure sustainability and facilitate the eventual transition to a United Nations operation. The support packages authorized assessed funding for specific areas under the Light and Heavy Support Packages for AMIS and the Logistics Support Package for AMISOM. These areas included the payment of troop costs and allowances to AMIS troops prior to the transfer of authority to UNAMID and logistics support to AMISOM, including the provision of equipment and services normally provided to United Nations peacekeeping missions. Within the various components of funding provided through the AMIS and AMISOM support packages, United Nations assessed funds have been applied to most categories of expenditure applicable to a United Nations peacekeeping mission.

36. Based on experiences to date, support packages do not necessarily provide the sustainability and predictability required to effectively support the start-up of a peacekeeping operation. To be successful, it is critical that support packages are authorized early and receive all of the required assets. In the case of AMIS and AMISOM, the United Nations support packages were authorized between 18 months to two years after the African Union mission was already operating on the ground. For the AMIS support package to have facilitated more effectively the transfer of authority to the United Nations, it would have needed to have come into effect at the start of deployment. Furthermore, the experience of the Heavy Support Package, where critical force multipliers or enabling units that were authorized were not provided, demonstrates another possible limitation on the effectiveness of support packages that contain military components.

37. The use of United Nations assessed contributions would underline the political support of the Security Council for peacekeeping operations conducted by a regional organization. In this regard, if United Nations support packages are to be authorized in the future, as a matter of principle, United Nations support should only be considered in cases where consultations between the United Nations Security Council and the African Union Peace and Security Council take place to ensure the

political and security objectives of these operations are aligned prior to either body authorizing the establishment and deployment of such an operation.

38. As noted by the panel in its report, the use of United Nations assessed contributions for an African Union-led operation should be predicated on the assumption that the intention of the Security Council would be for the mission to transition to the United Nations. Such an arrangement should also aim to establish an African Union mission to United Nations standards to the extent possible, which would not only maximize the likelihood of success at the start-up phase, but would also facilitate the transition process to ultimately take place.

39. Moreover, as also noted by the panel, the provision of a United Nations support package financed by United Nations assessed contributions would entail a case-by-case authorization by the United Nations Security Council. Upon such an authorization, the General Assembly would determine the scope of the support package and the level of assessed contributions that would be provided, as is the case with United Nations peacekeeping operations. Funding authorized by the United Nations would be subject to United Nations management regulations and procedures and would therefore have to be accompanied by a United Nations management and accountability structure.

40. In addition, it would be critical to ensure that there is prior agreement between the African Union and the United Nations on the scope of activities that would fall under the parameters of the support package. Support packages would only include elements of the operation that would normally be covered for a United Nations peacekeeping operation. As with United Nations peacekeeping operations, financing for certain activities would have to be sought from voluntary sources, either through a specific mission trust fund or coordination with the United Nations country team and donor community.

Combination of various mechanisms

41. In some circumstances the international community has chosen to provide resources to the African Union for its peacekeeping operations using a combination of the aforementioned mechanisms. While it is still premature to conduct a full-lessons-learned exercise of AMISOM, some emerging trends are pertinent to this analysis. For example, support for the AMISOM operation is provided through three channels: a United Nations logistics support package funded through United Nations assessed contributions; voluntary contributions channelled through a United Nations trust fund; and bilateral funding and support arrangements.

42. The resulting multiple sources of funding have required a significant amount of coordination in order to minimize gaps and duplication. The multiple sources of funding have also created parallel management and accountability frameworks for the same operation. Given the developing administrative and financial management capacity within the African Union, these multiple fund sources and parallel structures are likely to impact on the long-term capacity-building programme of the African Union.

43. At the request of the Security Council, the General Assembly's authorization for assessed contributions applies only to a logistics package. As a result, there is continued reliance on voluntary funding sources to meet non-logistical requirements. This exposes AMISOM to the risk that resources will not be provided

on a sustainable or predictable basis, reinforcing the lessons noted in paragraph 18, particularly in regard to achieving mandated troop levels.

IV. Building institutional capacity for peacekeeping operations

44. In addition to obtaining sustainable, predictable and flexible financial resources to mount peacekeeping operations, the African Union Commission's major challenge is the lack of sufficient institutional capacity in key management, support and strategic planning functions. This capacity is required to address both its immediate peacekeeping demands and its longer-term goal of operationalizing the African Standby Force.

45. The United Nations is currently working with the African Union Commission through a number of peacekeeping capacity-building initiatives. This assistance is built around the following principles:

(a) Consultation between the Secretariat and Commission prior to the deployment of an African Union peacekeeping operation for which the African Union may request United Nations Secretariat support for planning or other technical assistance;

(b) Requirements to be identified by the African Union, as above, and driven by the African Union Commission's capacity to absorb assistance;

(c) United Nations support to be provided within the context of concurrent demands to support United Nations field operations;

(d) The African Union would ultimately develop a capacity that is best suited to its own needs; United Nations systems must not be simply exported but should be seen as a resource that the African Union can adapt to meet its own unique requirements;

(e) United Nations technical assistance would be provided to the extent possible by the highest calibre personnel with current field experience in African-based peacekeeping operations.

46. Under the auspices of the 2006 United Nations-African Union 10-year capacity-building programme, support is provided to a range of activities from early warning and conflict prevention to peacekeeping and conflict resolution through training, staff exchanges and knowledge sharing. In particular, the Departments of Political Affairs, Peacekeeping Operations and Field Support have a number of initiatives under way that include capacity-building in mediation, elections, conflict resolution, early warning, peacekeeping planning and operations, rule of law and security sector reform. Further detail on these initiatives is available in my report of 7 April 2008 on the relationship between the United Nations and regional organizations, in particular the African Union (S/2008/186). The 10-year capacity-building programme will be reviewed and evaluated at the end of this year.

47. In addition to the ongoing activities within the 10-year capacity-building programme, the panel recommended that the African Union identify its priorities for personnel training, particularly in those areas dealing with financial administration, logistics and administration. In its presidential statement of 18 March (S/PRST/2009/3), the Security Council further requested that the Secretariat and the Commission collaborate in developing a list of capacity needs.

48. Following extensive consultations, the Secretariat and the Commission have confirmed that the African Union should further develop all areas of support to enable it to effectively plan, manage, deploy and liquidate peacekeeping operations. This requires the African Union to develop its structure and identify the core functions necessary for its peacekeeping operations, including those in addition to the Directorate for Peace and Security. A broad, inter-departmental plan and road map for capacity-building should be developed as early as possible, with the support of the United Nations and partners, as required. The capacity-building road map would also provide a framework through which other partners and donors could focus assistance programmes, a timetable for implementation, and financing mechanisms. To ensure African Union ownership, the structure and core posts should be approved by the African Union member States and financed from the African Union regular budget.

49. In addition to the development of a capacity-building road map, the United Nations will undertake a number of short and medium to long-term initiatives that can help the African Union address some of its key deficiencies in the areas of finance, logistics, human resources and procurement. The initiatives should be governed by a framework agreement, to be explored, and on a cost recovery basis where applicable. A comprehensive, joint United Nations-African Union study of lessons learned from the Light and Heavy Support packages for AMIS, the logistics package for AMISOM as well as collaboration under UNAMID and the United Nations Support Office for AMISOM (UNSOA), with a view to identifying best practices, will inform the development of these initiatives, in particular those for the medium to long term.

Short-term support initiatives

(a) Access to the United Nations peacekeeping Intranet site (peacekeeping policies and procedures) to be granted to the African Union Commission; this would provide the African Union with a self-learning repository of knowledge;

(b) Embedding several African Union human resources personnel at United Nations Headquarters to observe the United Nations system at work in the first instance, along with the creation of some senior capacity within the African Union Peacekeeping Support Team of the Department of Peacekeeping Operations to act as a conduit between the Department of Field Support and the African Union to share best and emerging practices;

(c) Information exchange with the African Union regarding United Nations vendors and contracts, including standard cost manuals, to assist the African Union in improving its procurement and contract management capacity;

(d) Subject to capacity, a team of AMISOM representatives, including African Union troop-contributor representatives, to be embedded within the UNSOA structure to learn the evolving lessons of the UNSOA/AMISOM experience;

(e) A framework to be identified for continued sharing of United Nations experiences and knowledge on logistic base operations;

(f) United Nations peacekeeping budgetary preparation package and templates to be shared with the African Union Commission, including a training programme for its use. As part of this programme, a "crosswalk" between African

Union and United Nations budgetary systems could be developed to facilitate harmonized financial reporting frameworks;

(g) Familiarization visits to United Nations peacekeeping operations and United Nations Headquarters;

(h) Access to the capacities in the United Nations Logistics Base in Brindisi, including the Engineering Design Centre and Geographical Information Systems Centre.

Medium to Long-Term Support Initiatives

(a) The United Nations could provide a “standby arrangement” to assist the African Union to deploy a mission consisting of the following:

(i) A surge capacity comprising a small team of experienced United Nations personnel in critical “start-up” functions such as planning, financial management, procurement, receipt and inspection, engineering and supply. These personnel would be drawn from United Nations peacekeeping missions and would deploy on temporary duty to support the establishment of an African Union mission. In line with the principle of African Union ownership, they would perform assisting roles only and would not be expected to perform managerial functions;

(ii) Access to Strategic Deployment Stocks, existing United Nations systems contracts and strategic lift capacities;

(b) African Union personnel to be incorporated into existing Department of Peacekeeping Operations/Department of Field Support/Department of Political Affairs training and capacity-building programmes;

(c) A temporary assignment programme to be implemented in which African Union staff are deployed to United Nations peacekeeping operations and Headquarters for periods of between three and six months. The modalities of such a programme would include a commitment from the Secretariat not to recruit those personnel for an appropriate time following the end of their temporary assignment. The programme would be supplemented by training and familiarization in critical operational processes and systems including human resources, procurement, financial management, legal support, property management, logistics planning and delegation of authority. They would be used by the African Union as a base for the development of their own management systems;

(d) The African Union should establish a dedicated and integral training capacity to cover all of the Commission directorates, including policies and procedures and training-the-trainers. The United Nations could assist the African Union to establish such a capacity.

The African Standby Force

50. The capacities required to address the African Union’s immediate peacekeeping demands are commensurate to those it requires to manage and operate the African Standby Force. Under the broad framework for conflict resolution through the African Peace and Security Architecture, the African Union’s long-term peacekeeping objective is the development of the African Standby Force. Based on five multidimensional regional brigades under the framework of five Regional

Economic Communities, each unit includes a military element based on a brigade of approximately 5,000, as well as police and civilian components that can rapidly respond to peace and security-related needs. While the African Standby Force has the potential to make a major contribution to peace and security in Africa, it will require long-term financial, material and logistics commitment from partners and increasingly from the member States of the African Union.

51. In order for the African Standby Force to be operational, the African Union and its Regional Economic Communities must also have the capacity to generate units at the required state of readiness for its equipment/capabilities, within a fully integrated support structure, and within a defined command and control architecture. As envisioned in the African Standby Force concept, these brigades must also have robust, organic enablers, including engineering, communications, medical, aviation, transport and maintenance elements. These enablers must be established within a clearly understood logistic framework and equipped to standards that can withstand harsh and demanding operations.

52. It is also critical that the African Union and the Regional Economic Communities clarify the process that will govern the mandating of the African Standby Force, establish an understanding on rapid deployment and delineate clearly the command and control structures on the basis of the relevant provisions of the African Union Peace and Security Protocol and the January 2008 memorandum of understanding between the African Union and the Regional Economic Communities. The African Union should also establish a method by which it can monitor levels and standards of equipment/capabilities to ensure that they are at the appropriate state of readiness. Such methods would help identify key support deficiencies prior to deployment. In addition, the African Union should further refine its African Standby Force logistic support concept to ensure that the respective responsibilities and the division of labour between the African Union Commission and the Regional Economic Communities are clearly articulated.

53. In order to address these key challenges and operationalize the African Standby Force, a series of regional training exercises have taken place and are programmed throughout 2009. The central pillar of this process is the African Union's continental exercise "*Amani Africa*", which will take place in 2010 to review the mandating processes of the African Peace and Security Architecture by which the African Standby Force is deployed; to exercise the African Union and regional structures that support the African Standby Force concept; and to evaluate development of the African Standby Force to date and draw lessons learned by which further development activities will be adjusted accordingly.

Logistics support capacity

54. Among the urgent capacity requirements for the African Union is the provision of logistical support to its peacekeeping operations and, eventually, for the African Standby Force. In this regard, the panel recommended that the African Union consider developing its logistics capacity and explore innovative options, including commercial multifunction contracts or logistics augmentation programmes in order to avoid the necessity of stockpiling large quantities of equipment and the costs of maintenance.

55. The African Union will need to develop its own support capacity, which would include the enabling elements of each of the five brigades, the support chain

mechanisms to be provided by the continental and regional bases, and a tailored commercial multifunctional contract or a Logistics Civil Augmentation Programme (LOGCAP) to round up an integrated support architecture.

56. The characteristics of the commercial logistic contract and the extent to which it is required will depend on the progress of the African Standby Force and, critically, the capacity of its enablers and supply chain mechanisms. Once the support capacity of the African Standby Force develops to the desired standard, the menu of additional support services required for operations will be reduced. A LOGCAP contract could then provide the mission with an effective, agile support capacity. A reduced menu of services, lower costs and less onerous management requirements would make this option a highly desirable and responsive solution. The challenge is to identify and mobilize commercial sources of logistic support during the development phase. A commercial multi-functional contract, while offering certain benefits, would be extremely costly and difficult to manage. The United Nations has moved away from this approach because of the high costs, and procurement and management complexities and prefers, instead, to utilize a series of targeted support contracts. This more flexible option could also be pursued by the African Union with the assistance of partners and the United Nations. Ideally, however, the development of support capacity within the brigades of the African Standby Force is the key to minimizing the complexity of a centralized support structure.

Financing for capacity-building

57. As noted above, there are many capacity-building initiatives under way by donors and partners in the area of peace and security. At the moment, these initiatives are not fully coordinated and often overlap. The panel noted that at the time of its report there were over 130 different contributions channelled to the African Union, each with its own reporting and monitoring requirements. The result is an overwhelmed African Union administrative capacity caught in a continued donor reporting and audit cycle and, as a result, struggling to build capacity or effect change and improvement to the existing system and thereby address underlying donor concerns.

Recommendation of the panel

58. The panel recommended the following steps:

- (a) The development by the African Union of a comprehensive plan for long-term capacity-building;
- (b) The establishment of a multi-donor trust fund into which existing sources of support would be consolidated and a standard format for reporting to all donors be developed;
- (c) The creation of a policy board with representation from the African Union, the United Nations and major donors, to provide policy guidance and oversee the activities of the trust fund;
- (d) As a transitional measure, the administration of the fund by an agency until sufficient capacity is established within the African Union.

Analysis of the recommendation of the panel

59. I fully share the views of the panel as to the requirement for a long-term, comprehensive capacity-building plan. Although the recent experience of the United Nations support to AMISOM included the establishment of a trust fund for a peacekeeping operation and not a trust fund for capacity-building, it nonetheless provides a useful example in assessing the recommendation of the panel on multi-donor trust fund financing mechanisms for capacity-building. Pursuant to Security Council resolution 1863 (2009), in April 2009 the United Nations and African Union organized an international donor conference on Somalia to support a multi-donor trust fund established for AMISOM.

60. The creation of the multi-donor trust fund was predicated on the assumption that the benefits of strong United Nations management and oversight framework, coupled with a special programme support cost of 5 per cent (as compared to the United Nations standard of 13 per cent) would be an attractive option for potential donors. Actual pledges to the trust fund, however, amounted to only approximately 15 per cent of total pledges made. As noted above, the majority of donors preferred to contribute through direct arrangements. Consultations with various donors, as well as the experience of the African Union Commission in this regard, suggest that the same preference would apply to financing for capacity-building.

61. A significantly strengthened coordination mechanism is required to address both programmatic and administrative challenges across the entire range of donor and African Union programmes in the area of peace and security. Equally important is a commitment from donors that efforts will be made to better coordinate their programmes. Efforts are currently under way to harmonize programmatic reporting requirements for donor contributions. The extension of these efforts to include a single financial reporting format along with a common audit function, agreed to by all partners, would be a further significant improvement that would enhance the ability of the African Union to implement its capacity-building strategy. Such a mechanism, coupled with a focused plan and a road map for capacity-building, would generate most of the benefits that could otherwise be derived from the establishment of a multi-donor trust fund.

62. The United Nations can facilitate this process through a number of initiatives, including a discussion with the African Union and partners on the possibility of developing a harmonized administrative and financial management framework that could consolidate funding based on a limited number of thematic programmes. United Nations support could also include the provision of technical expertise in financial management policies and procedures as well as the leveraging of the United Nations experience of standardized reporting and oversight mechanisms for donor contributions.

63. These initiatives would provide a technical basis upon which harmonization could be built. As also noted by the panel, any effort to coordinate must, however, be accompanied by a corresponding commitment on the part of all stakeholders.

V. Observations

64. Regional organizations play an increasingly active role in supporting the Security Council, under Chapter VIII of the Charter of the United Nations, in

carrying out its primary responsibilities in the maintenance of peace and security. In this context, the enhanced peacekeeping role of the African Union and its subregional organizations is a major and welcome development. They have been able to deploy quickly, with limited resources and as a first response, when challenging circumstances have required a robust intervention. The African Union has taken on responsibilities in complex political environments with the authorization of the Security Council, often in cases where the African Union has a comparative advantage and where conditions have not been conducive to a United Nations peacekeeping role or where the United Nations and the broader international community have been divided on the best course of action.

65. I am fully committed to supporting the African Union as it fulfils its potential as a partner of the United Nations in pursuit of peace in Africa. In the present report, I have made a number of proposals that I believe will strengthen the strategic partnership between the two organizations. I have also sought to describe a series of short-term and long-term actions that the United Nations can take to build the capacity of the African Union to undertake successful peacekeeping operations. I applaud the efforts being taken by donors and reiterate the need to work together, within the framework of a focused framework to build the capacity of the African Union.

66. I have also emphasized the requirement for the provision of sustainable and predictable resources to ensure success of African Union peacekeeping operations authorized by the United Nations. I have provided an assessment of various mechanisms that may assist the Security Council and the General Assembly in exploring means to assist the African Union in supporting peacekeeping operations authorized by the Security Council.

67. Ultimately, it will be the responsibility of African Union member States to provide the necessary resources to the African Union's peacekeeping interventions. In this regard, I welcome the decision of the African Union to increase the allotment of the regular budget to the African Union Peace Fund. This is especially important in addressing the challenges that the African Union may face in financing for the African Standby Force and other peacekeeping operations it undertakes under the sole authorization of the African Union Peace and Security Council.

68. When peacekeeping is determined the best course of action to address a conflict in Africa, it is essential that the United Nations and the African Union work together to build consensus and support for the operation and to align mandates with objectives and available resources. Thorough strategic and operational coordination and consultation is required between the Secretariat and the Commission and between the Security Council and the Peace and Security Council before the African Union mandates a peacekeeping operation. This would allow early identification of requirements for United Nations financial and peacekeeping capacity support and would also facilitate planning for possible transition to a United Nations operation, if there would be an intention by the Security Council.

69. At the same time, it is important to recall that peacekeeping is part of a political solution, not an alternative. Efforts must continue to be made in parallel to enhance and support preventive diplomacy, early warning, and conflict resolution and mediation. Peacekeeping operations should only be embarked upon after careful consideration of all available response options and must be accompanied by a viable political strategy and a set of clear objectives. The overall strategy and objectives

must be shared by the United Nations Security Council and the African Union Peace and Security Council, particularly when the organizations undertake joint mediation and peacekeeping operations or when the Security Council authorizes an African Union-led mission supported by United Nations support packages.

70. In closing, I would like to thank the members of the African Union-United Nations Panel, chaired by Romano Prodi, for their pioneering work on this issue. I would also like to thank the Chairperson of the African Union, Jean Ping, and his colleagues in the African Union Commission, as well as the Group of African States, African Member States and donors, for their support and for working with the United Nations on the proposals presented in this report. I look forward to our continued close collaboration in the future as the United Nations and the African Union work to strengthen their partnership in peace and security.



Security Council

Distr.: General
15 September 2009

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of France on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 14 September 2009 from the Permanent Representative of France to the United Nations stating that Mr. Emmanuel Bonne has been appointed alternate representative of France on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

**Security Council**

Distr.: General
18 September 2009

Original: English

**Twenty-ninth report of the Secretary-General on the
United Nations Organization Mission in the Democratic
Republic of the Congo****I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1856 (2008), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 December 2009, and requested me to report every three months on the situation in the Democratic Republic of the Congo. The report covers developments in the Democratic Republic of the Congo since my last report of 30 June 2009 (S/2009/335).

II. Major developments

2. While the situation in the Democratic Republic of the Congo continued to present complex challenges during the reporting period, progress was also registered in some key areas as indicated in the sections below. A number of positive steps were taken toward implementation of the 23 March Agreements between the Government, the Congrès national pour la défense du peuple (CNDP) and the other Congolese armed groups in the Kivus. Military operations against the Forces démocratiques de libération du Rwanda (FDLR) advanced into South Kivu, and some of the remaining Congolese armed group elements continued their integration into the Forces armées de la République démocratique du Congo (FARDC). In Ituri, two residual armed groups, the Forces de résistance patriotique en Ituri (FRPI) and the Front populaire pour la justice au Congo (FPJC), continued to attack and loot civilians in the Irumu area. Elsewhere in Orientale province, MONUC facilitated contacts between the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and Uganda. At the regional level, agreement was reached on the exchange of ambassadors between the Democratic Republic of the Congo and Rwanda, and on 6 August the Presidents of the two countries held a summit meeting in Goma.

3. However, FDLR and the Lord's Resistance Army (LRA) continued to attack civilians in the Kivus and Orientale province, respectively, which also resulted in new population displacements. Elements of FARDC also conducted exactions against civilians, although some progress was reported in the areas of military



justice and discipline within FARDC. In the meantime, planning for the MONUC transition in the west of the Democratic Republic of the Congo to the United Nations country team, bilateral partners and the Congolese Government continued to advance, while the implementation of the United Nations Security and Stabilization Support Strategy made progress in the eastern part of the country. MONUC also continued to work with humanitarian and other partners to facilitate humanitarian access and to enhance the protection of civilians. The implementation of the security sector reform, however, still faced many challenges.

North and South Kivu

Kimia II operations

4. During the reporting period, FARDC-led military operations against FDLR, entitled "Kimia II", were extended in North Kivu into Lubero and Walikale territories, and began officially in South Kivu on 12 July.

5. In North Kivu, FARDC conducted military operations primarily in Virunga National Park in Rutshuru territory and the Nyanzale area in Masisi territory. FARDC advances caused FDLR to retreat and split into small groups, which continued to conduct small-scale attacks against civilians. By the end of August, MONUC assessed that three main pockets of several hundred FDLR combatants remained in the perimeter area between Masisi and Walikale and in southern Lubero territories.

6. In South Kivu, Kimia II operations also resulted in some important successes as FARDC gained control of much of Kalehe, Kabare and Shabunda territories after years of domination by FDLR. On 28 July, FARDC succeeded in dislodging FDLR from Kashindaba, its main headquarters in South Kivu. In August, FARDC operations challenged FDLR strongholds in Walungu, Mwenga and Sange and around Uvira. On 20 August, FARDC successfully concluded operations to clear FDLR presence from the Kahuzi-Biega National Park as well as Tchivanga and Nindja areas in Kabare territory.

7. On 31 August, a tripartite meeting of the Chiefs of Defence of the Democratic Republic of the Congo, Rwanda and Burundi and of senior MONUC military representatives was convened in Goma to evaluate progress with respect to the Kimia II operations. The Chiefs of Defence agreed that, in North Kivu and the northern part of South Kivu, the operations had succeeded in dismantling FDLR strongholds and neutralizing a considerable number of FDLR elements, although pockets of FDLR elements continued to operate in small groups in those areas. They also agreed that FDLR command and control, logistics, and administrative and political structures in both Kivus had been disrupted as a result of the operations. In terms of next steps, the Chiefs of Defence agreed that operations should continue with the aim of dismantling FDLR bases in Fizi territory, South Kivu. MONUC also agreed to seek to enhance disarmament, demobilization, repatriation, reintegration and resettlement (DDRRR) efforts in forward positions and to reinforce its presence along Lake Tanganyika to prevent a possible retreat of FDLR elements into Burundi.

8. Despite these important achievements, the military operations were accompanied by FDLR reprisal attacks as well as some exactions against civilians by FARDC elements, and led to significant population displacements. FDLR

intensified attacks on civilians from their strongholds in the areas of Mwenga, Sange-Uvira and Hombo throughout July. In South Kivu, on 12 July, it also attacked the MONUC base at Mwenga. In addition, an increasing number of attacks involving remnant Congolese armed group elements of the Coalition des patriotes résistants congolais (PARECO), Alliance des patriotes pour un Congo libre et souverain (APCLS) and Mai Mai Kifuafa factions were reported, including against a FARDC camp at Mpama near the Bisiye mine on 12 August, where an estimated 16 civilians, two FARDC elements and two Police nationale congolaise (PNC) were killed, and 45 civilians were wounded.

9. In keeping with its mandate, MONUC continued to provide logistical and operational support to 16,000 FARDC troops in the context of the Kimia II operations. Such support was also aimed at limiting exactions committed by FARDC elements due, in part, to lack of payment of salaries. MONUC also deployed several additional temporary operating bases to key locations in North Kivu, including to Bambu, Kalembe, Kasuo and Hombo; and in South Kivu, including to Kamituga, Ekingi, Nzibira, Lemera, Ndunda and Lulimba. Joint Protection Team missions were deployed in South Kivu to Shabunda, Mwenga, Kalehe, Minova, Walungu and Kabare to contribute to early warning and to make recommendations for improved protection of civilians on the basis of which MONUC military has assigned additional protection resources.

10. At the initiative of the Provincial Governor and MONUC, a conference of South Kivu traditional leaders was held in Bukavu on 7 and 8 August to discuss the Kimia II operations with the aim of raising awareness among the local population. A similar conference was held in Goma on 14 August.

Integration into FARDC

11. Despite the official end of the rapid integration of Congolese armed groups into FARDC, residual elements continued to participate in the integration process during the reporting period. In North Kivu, some armed groups were only partially integrated into FARDC. In particular, former elements of the Congr s national pour la d fense du peuple (CNDP) continued to operate tax barriers in parts of Rutshuru and Masisi territories, while a wing of PARECO, led by Colonel Lafontaine, withdrew from the integration process. New alliances also emerged, including between FDLR and certain Mai Mai groups, in particular APCLS and Colonel Lafontaine's group. In South Kivu, between 21 August and 1 September, 445 elements of the Mai Mai Yakutumba group and 35 elements of the Forces r publicaines et f d ralistes, who previously had refused to participate in the integration process, were registered. Overall, challenges with respect to the integration process related to competition for limited high-level military positions within FARDC, and tensions arising among the different groups related to ethnic and economic issues. The limited capacity of FARDC to absorb and pay salaries for the new armed group elements was also a factor.

Implementation of the 23 March Agreements

12. Following repeated concerns expressed by CNDP as well as other Congolese armed groups regarding the slow pace of implementation of the 23 March Agreements, and at the request of the Special Envoy of the Secretary-General for the Great Lakes Region, Olusegun Obasanjo, the national follow-up committee held

its second session from 5 to 7 August in Goma, together with representatives of the international follow-up committee. The proceedings of the meeting were conducted through three commissions; the Congolese Government was represented in each commission, and CNDP, the other North Kivu armed groups and the South Kivu armed groups, which were signatories to the Agreements, were each represented in one of the three commissions.

13. Agreement was reached during the meeting for the Government of the Democratic Republic of the Congo to release some 400 political prisoners on the basis of the Amnesty Law. The list of prisoners was reviewed by the Congolese Government and MONUC, and it was decided that some of the prisoners whose crimes were not covered by the Amnesty Law would continue to be detained.

14. In addition, it was agreed to establish sub-committees to address the needs of the war-wounded, widows and orphans and the issue of military ranks and returnees. MONUC was also requested to assist the Government of the Democratic Republic of the Congo to train elements of the former armed groups for integration into the Police nationale congolaise.

15. However, a number of outstanding issues remained to be addressed. The former armed groups, particularly CNDP, expressed concern regarding, inter alia, the lack of appropriate rules of engagement and procedures within the national follow-up committee; the continuous presence in jail of some political prisoners; the ranks for ex-armed elements in FARDC; the lack of Government assistance to the CNDP war-wounded; and expectations regarding political and administrative tenures at the national and provincial level.

16. While reiterating the Government's commitment to fully implement the 23 March Agreements, Congolese Government counterparts, for their part, expressed concern regarding the continuation of parallel territorial administration arrangements by CNDP elements in some parts of North Kivu, and indicated that some demands related to Army posts and to the integration into national political and civil life may be unrealistic.

Oriental province

17. FARDC-led operations against the LRA, entitled "Rudia II", continued during the reporting period. These operations, supported by intelligence teams from the Uganda People's Defence Forces (UPDF), prompted the splintering of LRA over three areas west and east of Garamba National Park, and towards Ango territory. As a result, in June, July and August a reported 111 LRA elements were killed and another 65 were arrested. Nonetheless, LRA attacks against civilians increased, with a reported 74 LRA attacks across Haut and Bas Uélé resulting in 65 deaths and 152 abductions of civilians between 1 July and 31 August.

18. In this context, with the support of MONUC, FARDC reorganized its operations around three headquarters in Faradje, Dungu and Doruma. In addition, MONUC expanded its presence beyond Dungu with temporary operating bases in Faradje and Isiro in Haut Uélé, and temporarily deployed Guatemalan special forces to Dingila in Bas Uélé.

Ituri

19. FRPI and FPJC continued to threaten peace and security in Ituri, and mounted sporadic attacks on FARDC from strongholds in southern Irumu and Marabo. However, in the context of Operation Iron Stone and with the support of MONUC, FARDC succeeded in regaining control of three militia bases in Janda, Pkoma and Matalatala.

Activities of the Special Envoy

20. During the reporting period, my Special Envoy for the Great Lakes Region, former President Olusegun Obasanjo, continued to interact frequently with Congolese authorities and former armed groups within the framework of the international follow-up committee. Working closely with his Co-Facilitator, the former President of the United Republic of Tanzania, Benjamin Mkapa, the Special Envoy and his Office received on 29 June a joint progress report from the Congolese Government and the CNDP on the status of implementation of the agreement between them. On that basis, further actions taken by the Co-Facilitators contributed to the convening of the second session of the national follow-up committee in which key decisions were taken to expedite implementation of the 23 March Agreements, as outlined above.

21. At the regional level, the Special Envoy and his Co-Facilitator continued their efforts to assist the Democratic Republic of the Congo and Rwanda to deepen their rapprochement. On 8 August, at the invitation of the President, the Special Envoy met with President Kabila in Goma to review developments in the Kivus and the Great Lakes region.

Regional relations

22. In a significant development at the regional level, the Presidents of the Democratic Republic of the Congo and of Rwanda held on 6 August a bilateral summit meeting in Goma. The Presidents, pledging a new era in relations between their two countries, expressed their continued support for Operation Kimia II and agreed on a range of bilateral accords including a re-launch, in Kinshasa, of the Democratic Republic of the Congo-Rwanda Joint Permanent Commission, before the end of 2009. The Commission is intended to facilitate bilateral cooperation in a variety of areas including security, energy, and the return of refugees.

23. On 10 August, a summit meeting of the International Conference on the Great Lakes Region was held in Lusaka. The summit meeting was attended by the Heads of State of Zambia, Kenya, Tanzania and Uganda, as well as by high-level officials from the Democratic Republic of the Congo, Rwanda, the Central African Republic, and Burundi. The Summit participants were briefed by Co-Facilitators Obasanjo and Mkapa on the situation in eastern DRC. It was proposed that an extraordinary summit on the Great Lakes region, which would discuss the report of the Co-Facilitators, be convened at the earliest opportunity. The summit also decided that regular ICGLR summit meetings would be held every two years on 15 December.

24. Regarding Uganda, and marking the full restoration of diplomatic ties with the Democratic Republic of the Congo, the newly appointed Ambassador of the Democratic Republic of the Congo to Uganda, Jean Charles Okoto Lulakombe, presented his credentials on 24 August to President Yoweri Museveni in Kampala. Separately, meetings were held under MONUC auspices in Kisangani on 5 and 6 August and from 18 to 20 August between representatives of the Government of Uganda and the ADF-NALU, a primarily Ugandan group that, though largely inactive, remains present in eastern Democratic Republic of the Congo. During the meetings, the parties expressed willingness to seek a peaceful settlement to their dispute, with the facilitation of MONUC. ADF/NALU also agreed to volunteer, by 20 September, 34 Ugandan combatants and 31 Congolese combatants, with their dependants, for demobilization and/or repatriation.

25. On 7 and 8 September, a summit of the Southern African Development Community (SADC) was held in Kinshasa during which President Kabila was elected Chair of SADC.

Institutions of Government and Parliament

26. On 15 July, Congolese authorities announced the dismissal and retirement of more than 150 judges and prosecutors as part of an anti-corruption drive announced by President Kabila during his 30 June Independence Day address. On 31 July, the President further instructed the retirement of more than 1,000 civil servants from a range of Congolese Government Ministries, some of whom were alleged to be involved in corrupt practices.

Humanitarian situation

27. The humanitarian situation remained precarious during the reporting period due to large-scale population displacements; human rights violations by armed men, including rapes, killings and lootings; impeded humanitarian access; and security incidents against humanitarian workers. The total number of internally displaced persons (IDPs) in the Democratic Republic of the Congo was estimated at 2.2 million.

28. Of these, an estimated 1.7 million people remained displaced in the Kivus, with more than 400,000 persons having fled their homes since the beginning of the military operations against FDLR in January 2009. However, some IDPs were observed to have returned in Shabunda and Kabare territories in South Kivu during the reporting period as a result of improved security. In addition, the Kibati IDP camp closed, and the population of other IDP camps in the Goma area declined, as IDPs began returning to their communities of origin.

29. In Haut and Bas Uélé, where nearly 270,000 are estimated to have been displaced due to continued LRA attacks, a worrying trend emerged whereby LRA attacks appeared to target displaced populations benefiting from humanitarian assistance. As a result, humanitarian organizations adopted a policy of providing assistance to populations in areas where a military presence could be assured during and after the distributions.

30. In this context, the mid-year review of the Humanitarian Action Plan revised total humanitarian requirements for the Democratic Republic of the Congo upward, to \$946 million. At the time of reporting, the Humanitarian Action Plan had received funding for 53 per cent of assessed requirements. Given the worsening humanitarian situation, an appeal for \$38 million to meet urgent life-saving needs was also launched on 17 June.

Economic and financial situation

31. The Democratic Republic of the Congo continues to be adversely affected by the global economic and financial downturn. Prices of key export commodities such as copper and cobalt fell by up to 50 per cent since July 2008. The International Monetary Fund forecasted that the Congolese economy will experience only 2.9 per cent growth for 2009. The Congolese Franc further depreciated during the reporting period and the inflation rate in the country stood at almost 30 per cent, prompted in part by increased defence expenditure and falling public revenue.

32. Further to the visit to the Democratic Republic of the Congo from 9 to 11 August of the President of the World Bank, Robert Zoellick, the World Bank reported encouraging advances in discussions between the Democratic Republic of the Congo and China regarding their bilateral agreement on mining and infrastructure investments in the country, aspects of which were holding up progress in achieving the Heavily Indebted Poor Countries completion point. The debt relief is expected to amount to some \$400 million a year in savings for the DRC.

III. Implementation of the MONUC mandate

Development of an overarching strategy for the United Nations in the Democratic Republic of the Congo

33. Further to my last report, MONUC and the United Nations country team began to develop an overarching strategy for the United Nations system in the Democratic Republic of the Congo. The strategy, which is expected to be completed by the end of the year, will, inter alia, detail the progressive handover of MONUC tasks in the western part of the country. In this connection, MONUC completed joint assessments with the United Nations country of the western provinces of Kasai Occidental, Kasai Oriental, Equateur, Bandundu, and Bas-Congo, aimed at mapping existing capacities and establishing a baseline for the progressive handover.

Human rights and the rule of law

34. The human rights situation throughout the country continued to be a cause of serious concern. During the reporting period, MONUC observed an increase in reported human rights violations perpetrated by foreign armed groups but also, at times, by Government security forces, some of which were perceived to be ethnically motivated. Threats to Congolese human rights defenders continued, and the Congolese Government reacted negatively to criticism expressed by international human rights groups and media, including by temporarily shutting down Radio France Internationale (RFI) broadcasts in the country on 26 July.

35. Some steps were taken in the area of military justice during the reporting period. While there are some concerns regarding due process, 35 FARDC officers and soldiers, including two commanding officers, were tried for crimes related to human rights violations in 2009 by the military operational court in North Kivu. In South Kivu, the military operational court tried 10 FARDC elements since it became operational on 12 July.

36. On 5 July, President Kabila announced the enforcement of a zero-tolerance policy within FARDC with respect to discipline and human rights violations, including sexual and gender-based violence. The announcement was immediately followed by an extended visit to the Kivus by the Democratic Republic of the Congo Chief of Defence, General Didier Etumba Longomba, in support of the implementation of the policy. Preliminary reporting by MONUC indicated some improvement in FARDC conduct following the President's announcement.

37. For its part, MONUC continued efforts to identify and bring to the attention of Congolese Government counterparts, FARDC commanders under whose command human rights violations were alleged to have been committed. In addition, building on existing efforts by the Joint Democratic Republic of the Congo-MONUC investigation teams, MONUC began to establish prosecution support cells to strengthen the capacity of military prosecutors to pursue and try alleged offenders. Each prosecution support cell will be comprised of experienced military and police investigators.

38. The catastrophic state of prisons continued to pose a threat to security throughout the country. On 22 June, a riot in Goma prison led to the rape of 20 female prisoners and the death of two people. Prison breaks continue to be facilitated by the extremely poor state of prisons and insufficient guard facilities. As a result, a reported 1,519 people escaped between January and July 2009. A further 184 inmates died in detention, mainly due to preventable causes such as starvation and diseases caused by deplorable hygiene.

39. From 23 June to 3 July, MONUC facilitated a conference bringing together 60 high-ranking justice and penitentiary officials to identify the priorities in the implementation of the penitentiary system reform action plan recently approved by the Ministry of Justice. Although certain elements of the plan were being implemented through a range of projects to humanize detention conditions, provide food and increase security, the legislative package required for full implementation was yet to be submitted to Parliament.

40. In a separate development, on 11 August, FARDC apprehended Grégoire Ndayimana in the eastern part of the country. Ndayimana was the subject of an arrest warrant by the International Criminal Tribunal for Rwanda, which indicted him in August 2001 for genocide and for crimes against humanity allegedly committed in 1994 during the genocide in Rwanda.

Sexual and gender-based violence

41. Sexual violence in the Democratic Republic of the Congo remained severe during the reporting period, with rapes and other forms of sexual violence perpetrated by armed groups, security forces and, increasingly, civilians. In North and South Kivu, in some areas where operation Kimia II was being conducted,

humanitarian organizations were either unable to access sites to provide services, or survivors were unable to access medical services due to ongoing fighting. High incidences of sexual violence were reported in Shabunda in South Kivu, and Lubero and Walikale in North Kivu, but access to those areas remained especially difficult.

42. In addition, although limited, some progress was observed in the fight against impunity for sexual violence. On 27 July, the military court in North Kivu sentenced Lieutenant Colonel Kipanga, who escaped from custody in May 2009 and was judged in absentia, to life imprisonment for crimes against humanity relating to rape and illegal detention. Colonel Kipanga was convicted in connection with the illegal arrest of five minors, three of whom he raped, in Rutshuru in April 2009. His co-accused, Major Lusungu, was sentenced to 10 years in prison.

43. In addition, on 11 July, a FARDC sergeant who had raped a pregnant woman a few days before in South Kivu was sentenced to 15 years in prison, expelled from FARDC, and ordered to pay reparations to the victim. The public trial was attended by General Etumba, the military region commander, and several commanders of Operation Kimia II, and was widely publicized within FARDC in the context of President Kabila's zero-tolerance policy.

44. The visit of the United States Secretary of State, Hillary Clinton, to the Democratic Republic of the Congo on 10 and 11 August also lent additional visibility to the issue of sexual violence at the international level, and emphasized the need for Congolese authorities to take the necessary actions to stem the scourge of sexual violence in the country.

45. In the meantime, MONUC continued to develop an implementation plan for the Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo, and recruited a Senior Adviser on Sexual Violence within MONUC to support the Congolese Government, the United Nations country team, MONUC and partners to operationalize the Strategy. MONUC and the United Nations country team also continued preparations for the establishment of a common fund on sexual violence aimed at prevention and assistance to victims.

Protection of civilians

46. Deliberate targeting of civilians by armed groups as well as exactions on the part of FARDC elements continued to pose major challenges in the eastern part of the Democratic Republic of the Congo. In this context, MONUC conducted approximately 40 Joint Protection Team missions to more than 25 areas of concern in North and South Kivu and Orientale Province since February 2009. The rapid response and early warning cell, which was established in MONUC to map specific areas of risk, address issues that require urgent action and bring to the attention of the Mission's senior management the most serious cases of violations, particularly by national security forces, also contributed to MONUC efforts to protect civilians.

Child protection

47. Some 130 additional children were released from armed forces or groups and handed over to reintegration programmes since 30 June, bringing the total since January to 1,931. However, reports indicate that many children seeking their release

from among the remaining non-integrated armed groups and FDLR were detained for periods up to two months and interrogated by FARDC. In addition, reports that only 162 children were separated in the context of the rapid integration process in South Kivu suggested that a number of children may also remain among the ranks of the non-integrated Congolese armed groups there.

48. On behalf of the monitoring and reporting country task force established in the framework of Security Council resolution 1612 (2005), and in coordination with UNICEF, MONUC sent a letter to the Minister of Defence of the Democratic Republic of the Congo regarding the development of an action plan with FARDC to prevent and end the recruitment and use of children, to release all children within their ranks, and to open access to military facilities. The Government of the Democratic Republic of the Congo was also asked to nominate a high-level focal point for this initiative.

United Nations Security and Stabilization Support Strategy

49. Efforts to support the implementation of the Government's stabilization and reconstruction plan for areas emerging from armed conflict in the eastern part of Democratic Republic of the Congo through the United Nations Security and Stabilization Support Strategy continued during the reporting period. Eleven donors, namely the Governments of the Netherlands, the United States of America, the United Kingdom, Japan, Sweden, Germany, Spain and Belgium, as well as the United Nations Development Programme, the United Nations High Commissioner for Refugees and the Congolese Government, have contributed more than \$135 million to the Strategy.

50. Under the security component of the Security and Stabilization Support Strategy, financial support was provided for the integration or demobilization of approximately 3,500 combatants in South Kivu. Work also began on the rehabilitation of family accommodation connected to three FARDC barracks in South Kivu at Nyamunyunyi, Nyangeri and Camp Saio.

51. Visible advances were made under the State authority component in connection with progress on rehabilitation of roads in North and South Kivu. As a result, mobility increased and travel time was reduced by half in almost all the concerned regions. In addition, the road rehabilitation works created more than 3,000 jobs for the local population, including ex-combatants.

52. Regarding the police, temporary sites to accommodate newly deployed PNC neared completion in South Kivu along four of six priority axes. Training of additional PNC officers drawn from local areas of North and South Kivu was completed at the end of July 2009. MONUC police also reconfigured its deployment to improve its operational support to the United Nations Security and Stabilization Support Strategy.

53. Under the State authority component, MONUC will also assist, in coordination with donors, with the establishment of six trading centres in important mining areas in the Kivus in an effort to curb the illicit exploitation of natural resources. The centres and the roads leading to the nearest airstrip or evacuation point will be monitored by the MONUC military until police and other Congolese administrative

services are deployed. They are expected to store minerals and metals for evaluation and to enable taxes to be levied at a single location.

54. Concerning the return, reintegration and reconciliation component of the Strategy, implementation began of two joint programmes aimed at providing an integrated package of assistance to some 200,000 returning internally displaced persons, refugees and/or ex-combatants in the Kivus.

55. Separately, following my approval of the eligibility of the Democratic Republic of the Congo to receive support from the Peacebuilding Fund, \$20 million was allocated to the country. The funds are expected to provide catalytic support to implement priority peacebuilding interventions identified in the stabilization and reconstruction plan for areas emerging from armed conflict and the United Nations Security and Stabilization Support Strategy on the basis of a priority Plan, which is being developed by MONUC in consultation with the Congolese Government and other partners.

Disarmament, demobilization, repatriation, reintegration and resettlement

56. During the reporting period, MONUC facilitated the repatriation to Rwanda of 1,397 Rwandan adult ex-combatants, including FDLR and ex-CNDP elements, 104 children associated with armed groups, as well as 1,432 dependants. The total number of Rwandans repatriated under the auspices of the United Nations this year was 12,793, including 9,923 by UNHCR.

57. Cooperation between FARDC and MONUC on disarmament, demobilization, repatriation, reintegration and resettlement improved as part of operation Kimia II, especially with respect to collaboration in launching disarmament, demobilization, repatriation, reintegration and resettlement mobile teams in areas of FDLR concentration. While several FDLR elements still remained inaccessible, MONUC opened three temporary assembly sites in remote locations in August to facilitate the surrender of FDLR members who were increasingly being pushed into remote areas.

58. Regarding other foreign armed groups in eastern Congo, MONUC, in collaboration with the Governments of Uganda and Southern Sudan, and local community leaders, began a regional information campaign to encourage LRA elements to surrender to MONUC bases in Haut Uélé.

Disarmament, demobilization and reintegration (DDR)

59. Since the launch of the second phase of the National Programme for Disarmament, Demobilization and Reintegration, 8,811 FARDC went through the registration process in Kinshasa, and the provinces of Kasai Occidental, Katanga, North Kivu, South Kivu, Maniema, and Orientale. Of these combatants, 3,445 were demobilized, including 347 women, while 5,362 chose to remain in the army.

60. In North Kivu, the Amani process officially ended on 29 June and the remaining assembly areas for Congolese ex-combatants were closed. In South Kivu, where the Amani process officially ended on 8 July, the Baraka and Kalehe regroupment centres were closed and ex-combatants were transferred to Luberizi.

Of the 3,824 Congolese registered ex-combatants, 1,058 were sent to Luberizi for military training, while the remainder was processed through the National Programme for Disarmament, Demobilization and Reintegration or community integration projects. In addition, MONUC disarmament, demobilization, repatriation, reintegration and resettlement continued to assist the processing of some 2,500 Congolese ex-combatants who assembled in Kindu, Maniema Province, as well as 445 ex-combatants in Minembwe, South Kivu.

Security sector reform

61. Limited progress was made in the critical area of security sector reform during the reporting period. However, the Council of Ministers agreed and submitted to Parliament for approval three draft laws relating to Army reform on the organization and functioning of the armed forces; the organization, composition, attribution and functioning of the High Defence Council; and the status of FARDC military personnel. The European Union Security Mission also began to update the payroll for FARDC units in the Kivus to reflect the rapid integration of the Congolese armed groups into FARDC.

62. With the arrival of its senior adviser on security sector reform, MONUC began expanding the participation of bilateral partners in the MONUC-convened security sector reform working group and planned to initiate Ambassador-level security sector reform policy-focused meetings. In addition, FARDC agreed to commit units in the coming months for training by MONUC, which MONUC will seek to link to urgently needed improvements in the operating and garrisoning conditions of FARDC units. Overall, 15 FARDC battalions are expected to benefit from MONUC's expanded training programme by the end of 2010.

63. Concerning the police, the organic law, which will be the main legal framework guiding the police reform process, was adopted by the Council of Ministers at the end of June, and was sent to Parliament for discussion and adoption during its next session. For its part, MONUC police reconfigured to enhance its representation in PNC reform bodies and convened a meeting among the main police reform stakeholders to strengthen coordination of bilateral efforts in this regard. MONUC police also continued to cooperate closely with partners on several projects aimed at reinforcing the operational capacity of PNC, including with European Union Police Mission on the police census; with the Japan International Cooperation Agency on training for 6,200 Police nationale congolaise elements in North Kivu, Orientale province, Bas-Congo and Kinshasa from October 2009 to March 2010; and with the US Agency for International Development (USAID) and German Technical Cooperation for the training of Police nationale congolaise personnel on Sexual Violence in Ituri District, Orientale province, and North Kivu respectively.

Illegal exploitation of natural resources

64. MONUC continued to conduct random airport checks in North and South Kivu with DRC authorities in support of efforts to stem the illegal exploitation of natural resources. In July, MONUC's military component and members of the Group of Experts on the Democratic Republic of the Congo assisted PNC to conduct a cordon

and search operation in villages surrounding Uvira. The operation uncovered several arms caches suspected to have been hidden by FDLR in collaboration with local Mai Mai, including one holding over 150 small arms. In addition, a joint inspection team composed of MONUC civilian staff and military observers, and the Congolese provincial inspector of police, assisted in the investigation regarding an illicit cassiterite shipment which was intercepted by Congolese customs authorities in mid-August at a border crossing near Bukavu. MONUC military also conducted joint patrols with Congolese park guards in the national parks of North and South Kivu to clamp down on the illegal trade in charcoal.

Elections

65. On 31 July, the Independent Electoral Commission (IEC) announced the postponement of the voter registration update in the provinces beyond Kinshasa, which was scheduled to start on 2 August. The principal reason cited for the delay related to the revision of the list of territorial entities, which by mid-August had been approved by provincial assemblies in only four of the ten provinces. On 4 August, the voter registration process in Kinshasa was extended until 20 August, owing to limited turnout.

66. Delays in the disbursement of Congolese Government funds also hampered the work of IEC. While some of the Government's total anticipated contribution towards the local elections of \$32 million was disbursed earlier in the year, an amount of \$8.6 million was still pending for the voter registration update at the time of reporting. Together these factors were likely to delay local elections beyond the first quarter of 2010.

Deployment of additional capacities

67. During the reporting period, the first elements of the additional capabilities pledged further to requirements outlined in Security Council resolution 1843 (2008) arrived in the Democratic Republic of the Congo. On 14 July, the Belgian C-130 aircraft and its crew deployed to Kisangani, where they will be based. In addition, on 26 August 2009 a Bangladeshi advance party of some nearly 200 troops arrived in the mission area in connection with the planned deployment of the full Bangladeshi infantry battalion.

68. Between 22 July and 1 August, a Tanzanian delegation visited the eastern part of the country in anticipation of their deployment of 200 military trainers. Deployment of contingent-owned equipment of Bangladeshi and Egyptian battalions, the Egyptian formed police unit, and the Egyptian and Jordanian special forces companies also began.

69. Concerning the timeline for the deployment of the remaining pledged additional capabilities, Bangladesh was expected to complete the deployment of the infantry battalion and deploy one formed police unit by October. The Bangladeshi engineering company was expected to arrive in the country by the end of the year. Jordan was preparing to deploy the pledged special forces company by October, while Egypt was preparing to deploy one infantry battalion and one special forces company before November. The Egyptian formed police unit was expected to be deployed by the end of the year.

70. In terms of pledges, the Department of Peacekeeping Operations accepted an offer for two helicopters from Uruguay which were expected to be deployed by the end of the year. However, the Department has yet to receive pledges for the remaining 16 utility helicopters, one C-130 aircraft and intelligence equipment.

IV. Observations

71. In the months since my last report to the Security Council, progress in areas critical to the stabilization of eastern Democratic Republic of the Congo has been uneven. The integration of the Congolese armed groups into FARDC continued, but challenges emerged as some armed groups maintained elements outside of the integration process, while others disengaged from it, and at times aligned with FDLR against FARDC. These challenges were fuelled by perceived delays with respect to implementation of the 23 March Agreements, as well as suspicions of preferential treatment of former Congrès national pour la défense du peuple elements by the Congolese authorities in the allocation of military ranks and positions. In the meantime, operation Kimia II against FDLR made progress in North Kivu and advanced into South Kivu, prompting additional FDLR combatants to seek voluntary repatriation. However, FDLR stepped up its heinous attacks on civilians, which also caused additional population displacements.

72. The challenges that remain in the Kivus are formidable and have the potential to impede the consolidation of peace and stability in eastern Democratic Republic of the Congo if not handled in a timely and comprehensive manner. I urge the Congolese Government to take the necessary steps, with the assistance of MONUC and other partners, to keep the integration process on track and to bring it to a successful conclusion, including by ensuring the regular payment of FARDC salaries and by building barracks for the soldiers based in eastern Democratic Republic of the Congo. In this context, I am encouraged by the Congolese Government's commitment to make FARDC units available for training by MONUC before the end of the year. In this connection, I urge Member States to provide necessary support for the 200 Tanzanian trainers that will be deployed to MONUC. The enabling support is required specifically in the areas of self-sustainment, accommodation, and transportation. It also remains critical for MONUC's mobility and effectiveness to receive pledges for the remaining additional capabilities authorized by Security Council resolution 1843 (2008), including 16 helicopters and intelligence equipment.

73. With regard to the 23 March Agreements, while I am encouraged by the recent steps taken by the Government of the Democratic Republic of the Congo to convene the second session of the national follow-up committee and implement elements of the Agreements, I urge all parties, particularly the Congolese authorities, to ensure the full operation of the local conciliation committees and the appointment of territorial administrators and their assistants, and to expedite the appointment of some members of the former armed groups to administrative positions as foreseen in the Agreements. Full implementation of the Agreements will require the support and commitment of Congolese authorities, from the national level down to the provincial and local levels, as well the good faith participation by the groups themselves.

74. These efforts will need to continue to be complemented by actions to address the presence of FDLR in eastern Democratic Republic of the Congo, including by Member States against FDLR leaders based in their countries in order to prevent support which is known to be provided to FDLR commanders in eastern Democratic Republic of the Congo. In this connection, it will be important that the restoration of State authority to areas from which FDLR has been dislodged is complemented by the demilitarization of the mining areas and a transfer of those areas to legitimate State authorities, while re-establishing or reinforcing administrative, police and judicial institutions throughout the eastern provinces. As such, I encourage the international community to lend its full support to the Government's stabilization and reconstruction plan for areas emerging from armed conflict, including by continuing to finance the United Nations Security and Stabilization Support Strategy. I also encourage donors to respond to the urgent humanitarian appeal of 17 June to support immediate needs.

75. At the same time, I remain very concerned by the impact on civilians of the military operations against FDLR and LRA, including as a result of reprisal attacks by those groups. The reported acts of sexual violence and other human rights violations by FARDC elements are also unacceptable, and cannot continue if the people of the Democratic Republic of the Congo are to begin to experience the dividends of peace. I am, however, encouraged by the steps taken by the Government of the Democratic Republic of the Congo to address impunity by reinforcing the zero-tolerance policy within FARDC and establishing military justice mechanisms in the Kivus, which appeared to be yielding results. I urge the Congolese authorities to ensure that the military courts respect fair trial standards, including the right to appeal, and to ensure that the commanders under whom violations are committed are also held to account. I also urge the Government of the Democratic Republic of the Congo to reinforce the measures it is taking in the context of military operations to ensure the protection of civilians, in addition to the innovative measures adopted by MONUC to maximize its protection capabilities.

76. I am encouraged by the initiative of Presidents Kabila and Kagame to hold a summit meeting in Goma on 6 August. Their commitment to promote peace, stability and economic development in the Great Lakes region, and their efforts to jointly address the destabilizing presence in the country of FDLR, has reinforced confidence in the peace process in eastern Democratic Republic of the Congo. My Special Representative for the Democratic Republic of the Congo and my Special Envoy to the Great Lakes Region will continue to lend their full support to the efforts in this regard.

77. The momentum gained with the launch of the voter registration process in Kinshasa will need to be sustained if the planned local elections are to be held in a timely manner. It will be important to complete the voter registration process by extending it to the rest of the country. In this connection, I urge the Congolese authorities to agree on the list of territorial entities, without which the voter registration process cannot proceed. I also encourage the Government to disburse its remaining share of financial resources for the local elections.

78. In my next report, I will present the main elements of the United Nations Integrated Strategic Framework, which will, inter alia, outline MONUC's plan for transitioning tasks in the western part of the country as required by Security Council resolution 1856 (2008), a system-wide concept on the protection of civilians and a

multidimensional approach to FDLR, as well as the Mission's planning for future directions.

79. Finally, I would like once again to express my sincere gratitude to all MONUC personnel, who, under the leadership of my Special Representative for the Democratic Republic of Congo, Alan Doss, have continued to show determination and selfless dedication under very difficult conditions to support the Congolese people during a critical period in their history. I would also like to express my gratitude to my Special Envoy, Olusegun Obasanjo, and his Co-Facilitator former President Mkapa, as well as to the United Nations country team and the humanitarian agencies toiling to save and improve the lives of people living in difficult times. I would also like to thank all those countries contributing troops and police to MONUC and to donor countries, multilateral and non-governmental organizations providing much needed support to the Democratic Republic of the Congo.





Security Council

Distr.: General
18 September 2009

Original: English

Draft resolution

The Security Council,

Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the above Statement (S/23500) underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Bearing in mind the responsibilities of other organs of the United Nations and relevant international organizations in the field of disarmament, arms control and non-proliferation, as well as the Conference on Disarmament, and supporting them to continue to play their due roles,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming its firm commitment to the NPT and its conviction that the international nuclear non-proliferation regime should be maintained and strengthened to ensure its effective implementation, and *recalling* in this regard the outcomes of past NPT Review Conferences, including the 1995 and 2000 final documents,

Calling for further progress on all aspects of disarmament to enhance global security,

Recalling the Statement by its President adopted at the Council's meeting held on 19 November 2008 (S/PRST/2008/43),



Welcoming the decisions of those non-nuclear-weapon States that have dismantled their nuclear weapons programs or renounced the possession of nuclear weapons,

Welcoming the nuclear arms reduction and disarmament efforts undertaken and accomplished by nuclear-weapon States, and *underlining* the need to pursue further efforts in the sphere of nuclear disarmament, in accordance with Article VI of the NPT,

Welcoming in this connection the decision of the Russian Federation and the United States of America to conduct negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms, which expires in December 2009,

Welcoming and supporting the steps taken to conclude nuclear-weapon-free zone treaties and *reaffirming* the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament,

Noting its support, in this context, for the convening of the Second Conference of States Parties and signatories of the Treaties that establish Nuclear-Weapon-Free Zones to be held in New York on 30 April 2010,

Reaffirming its resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009),

Reaffirming its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008),

Reaffirming all other relevant non-proliferation resolutions adopted by the Security Council,

Gravely concerned about the threat of nuclear terrorism, and *recognizing* the need for all States to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists,

Noting with interest the initiative to convene, in coordination with the International Atomic Energy Agency (IAEA), an international conference on the peaceful uses of nuclear energy,

Expressing its support for the convening of the 2010 Global Summit on Nuclear Security,

Affirming its support for the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism,

Recognizing the progress made by the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership,

Noting the contribution of civil society in promoting all the objectives of the NPT,

Reaffirming its resolution 1540 (2004) and the necessity for all States to implement fully the measures contained therein, and *calling upon* all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution 1810 (2008),

1. *Emphasizes* that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which will determine if that situation constitutes a threat to international peace and security, and *emphasizes* the Security Council's primary responsibility in addressing such threats;

2. *Calls upon* States Parties to the NPT to comply fully with all their obligations and fulfil their commitments under the Treaty,

3. *Notes* that enjoyment of the benefits of the NPT by a State Party can be assured only by its compliance with the obligations thereunder;

4. *Calls upon* all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms;

5. *Calls upon* the Parties to the NPT, pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control, and *calls on* all other States to join in this endeavour;

6. *Calls upon* all States Parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the Treaty and set realistic and achievable goals in all the Treaty's three pillars: non-proliferation, the peaceful uses of nuclear energy, and disarmament.,

7. *Calls upon* all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the treaty into force at an early date;

8. *Calls upon* the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible, *welcomes* the Conference on Disarmament's adoption by consensus of its Program of Work in 2009, and *requests* all Member States to cooperate in guiding the Conference to an early commencement of substantive work;

9. *Recalls* the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and *affirms* that such security assurances strengthen the nuclear non-proliferation regime;

10. *Expresses* particular concern at the current major challenges to the non-proliferation regime that the Security Council has acted upon, *demand*s that the parties concerned comply fully with their obligations under the relevant Security Council resolutions, and *reaffirms* its call upon them to find an early negotiated solution to these issues;

11. *Encourages* efforts to ensure development of peaceful uses of nuclear energy by countries seeking to maintain or develop their capacities in this field in a framework that reduces proliferation risk and adheres to the highest international standards for safeguards, security, and safety;

12. *Underlines* that the NPT recognizes in Article IV the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II, and *recalls* in this context Article III of the NPT and Article II of the IAEA Statute;

13. *Calls upon* States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle;

14. *Encourages* the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and *urges* the IAEA Board of Governors to agree upon measures to this end as soon as possible;

15. *Affirms* that effective IAEA safeguards are essential to prevent nuclear proliferation and to facilitate cooperation in the field of peaceful uses of nuclear energy, and in that regard:

a. *Calls upon* all non-nuclear-weapon States party to the NPT that have yet to bring into force a comprehensive safeguards agreement or a modified small quantities protocol to do so immediately,

b. *Calls upon* all States to sign, ratify and implement an additional protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system,

c. *Stresses* the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials and facilities and the absence of undeclared activities, and for the IAEA to report to the Council accordingly as appropriate;

16. *Encourages* States to provide the IAEA with the cooperation necessary for it to verify whether a state is in compliance with its safeguards obligations, and *affirms* the Security Council's resolve to support the IAEA's efforts to that end, consistent with its authorities under the Charter;

17. *Undertakes* to address without delay any State's notice of withdrawal from the NPT, including the events described in the statement provided by the State pursuant to Article X of the Treaty, while noting ongoing discussions in the course of the NPT review on identifying modalities under which NPT States Parties could collectively respond to notification of withdrawal, and *affirms* that a State remains responsible under international law for violations of the NPT committed prior to its withdrawal;

18. *Encourages* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate, withdraw from, or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier state would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment;

19. *Encourages* States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions;

20. *Urges* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment;

21. *Calls for* universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism;

22. *Welcomes* the March 2009 recommendations of the Security Council Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and *affirms* its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee;

23. *Reaffirms* the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in the resolution, *calls upon* Member States to cooperate actively with the Committee established pursuant to that resolution and the IAEA, including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context *welcomes* the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and *calls upon* all States to participate actively in this review;

24. *Calls upon* Member States to share best practices with a view to improved safety standards and nuclear security practices and raise standards of nuclear security to reduce the risk of nuclear terrorism, with the aim of securing all vulnerable nuclear material from such risks within four years;

25. *Calls upon* all States to manage responsibly and minimize to the greatest extent that is technically and economically feasible the use of highly enriched uranium for civilian purposes, including by working to convert research reactors and radioisotope production processes to the use of low enriched uranium fuels and targets;

26. *Calls upon* all States to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories, and *calls upon* those States in a position to do so to work to enhance international partnerships and capacity building in this regard;

27. *Urges* all States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology;

28. *Declares* its resolve to monitor closely any situations involving the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they are defined in resolution 1540 (2004), and, as appropriate, to take such measures as may be necessary to ensure the maintenance of international peace and security;

29. *Decides* to remain seized of the matter.



Security Council

Distr.: General
22 September 2009

Original: English

**Letter dated 17 September 2009 from the Acting Chairman
of the Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism addressed
to the President of the Security Council**

The Counter-Terrorism Committee has received the attached report from Zimbabwe, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Ranko **Vilović**
Acting Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

Annex

Note verbale dated 28 August 2009 from the Permanent Mission of Zimbabwe to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Zimbabwe to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and has the honour to submit a copy of Zimbabwe's report in fulfilment of its obligations under United Nations counter-terrorism resolutions (see enclosure).

Enclosure**Zimbabwe report****Zimbabwe legislation on terrorism**

Zimbabwe recently enacted the Suppression of Foreign and International Terrorism Act Chapter 11:21 in 2007. Noting the general absence of domestic terrorism the act is meant to combat the infiltration of foreign and international terrorist organizations in Zimbabwe. In addition to it, we have other laws that empower police and other law enforcement agents to prevent, detect and combat terrorism.

Some of the Zimbabwean statutes stated below deal with matters relating to terrorism.

Laws addressing interception of communications

Interception of Communications Act [Chapter 11:20] of 2007

This Act is relatively new and is yet to be operationalised. Its beauty is that it seeks to provide for:

The lawful interception and monitoring of certain communications in the course of their transmission through a telecommunication, postal or any other related service or system in Zimbabwe.

It also provided for the establishment of a monitoring centre, which shall be known as the Monitoring or Interception of Communication Centre (MICC). Currently the body that is regulating telecommunications in Zimbabwe is the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ). This Body manages the national IP address.

The Act seeks to ensure the technical ability of the MICC to interface with a communications facility such as telecommunications line or switch to enable the interception of any communication carried on at that facility.

Internet service providers are compelled to provide assistance that will ensure that their postal or telecommunications systems are technically capable of supporting lawful interceptions, at all times and that they install hardware and software facilities and devices, to enable interception of communication at all times and that they provide one or more interfaces from which the intercepted communication shall be transmitted to the monitoring centre.

There must be basis for believing that communication relating to the ground, on which the application is made, is connected to terrorist activity or any other unlawful activity.

Laws restricting entry into Zimbabwe/security places in Zimbabwe

Immigration Act, chapter 4.02

Section 14 (1) (e) (i), (ii) or (iii) of the Immigration Act may be used to declare a visiting immigrant as a "prohibited person" once his background shows terrorist connections before he enters Zimbabwe. The Person with terrorist backgrounds qualify in terms of part 1 of the Schedule of specified offences, which may prevent him from entering the country.

Immigration officials are empowered to arrest, detain/hand over "prohibited person" to police in terms of section 8 of the same act. The police may invoke other laws such as Criminal matters, Mutual Understanding Act or the Extradition Act to detain and extradite terrorists whether passing through or seeking to stay in Zimbabwe should they be positively identified.

Protected Places and Area Act

The act designates the Minister of Home Affairs to declare certain places as protected places. Members of the public are restricted from access to these places.

The police or designated persons are empowered to arrest, detain and search. In this case, they may impound any firearms, explosives or other terrorist equipment from suspects of terrorism. This act is used for empowering law enforcement agents protecting key and vital installations.

Laws dealing with general execution of terrorist activities

Suppression of Foreign and International Terrorism Act, chapter 11:21

Under this statute, police officers and members of the intelligence services are specified as law enforcement agents. The act spells out several offences as follow:

- Engaging or participating in foreign or international terrorist activities (penalty is imprisonment for life) (section 3)
- Training as a foreign or international terrorists (penalty life imprisonment) (section 4)
- Recruiting or training foreign or international terrorists (penalty life imprisonment) (section 5)
- Possession of weapons for the purpose of foreign or international terrorist activities (penalty) (section 6)
- Harboursing, concealing or failing to report foreign or international terrorist (Penalty 10 years imprisonment) (section 9)
- Soliciting support for designated foreign or international terrorist organizations (Penalty 5 years imprisonment) (section 10)

- Supplying weaponry to foreign or international terrorist organizations (penalty life imprisonment) (section 11)
- Collection or supplying information for the purpose of foreign international terrorist/terrorist organizations (penalty 5 years imprisonment)
- Section 8 (1) provides for the Minister of Home Affairs to designate a notice by Statutory Instrument any foreign organization/international terrorists for identification purposes.

Criminal Law (Codification and Reform) Act, chapter 9:23

This act covers a wide range of criminal activities that may be interpreted as terrorism. These include:

- Treason (Section 20)
- Subverting constitutional government (Section 220)
- Insurgency, banditry, sabotage or terrorism (Section 23)
- Recruiting, training insurgents/bandits/saboteurs/terrorists (Section 24)
- Training as insurgent, bandit, saboteurs or terrorist (Section 25)
- Supplying weaponry to insurgent, bandit, saboteurs or terrorist (Section 26)
- Possession of weaponry for insurgent, bandit, saboteurs or terrorist
- Possession of dangerous weapons (Section 28)
- Harboursing, concealing or failing to report insurgent, bandit, saboteurs or terrorist
- Public violence (Section 36)
- Obstructing or endangering free movement of persons/traffic (Section 38)
- Possession of articles for criminal use (Section 40)
- Possession of offensive weapons at public gatherings (Section 43)
- Disrupting a public gathering (Section 44)

And aircraft offense committed by terrorist may be identified in the following section:

- Hijacking an aircraft (Section 147)
- Damaging, destroying or prejudicing the safe operation of aircraft (Section 48)
- Assaulting, intimidating or threatening a person on an aircraft (Section 149)
- Placing or carrying dangerous goods on an aircraft (Section 150)

Laws addressing handling of weapons/explosives

Explosives Act, chapter 10:08

- Section 3 of this Act prohibits the purchase/possession of explosives, storage explosive without a licence.
- Section 8 set conditions for applying for an explosives storage license with a view of putting accountability and setting safe storage places for explosives.
- Section 9 prohibits the preparation, pressing home and firing of explosives unless one is licensed for blasting purposes in mining or quarrying purposes.
- Section 10 prohibits carriage of explosives in public transport.
- Section 12 and 13 empowers the police/inspectors of explosives to enter any premises/vehicle/land and search for explosives. They are empowered to seize explosives, arrest offenders, and extract evidence for purposes of investigations and prosecution where they find conditions in contravening of this law and its subsequent regulations on safety explosives.

Firearms Act, chapter 10:09

- Section 4 prohibits possession, purchase or acquisition of firearms or ammunition without certificate/permit.
- Section 5 sets security conditions for granting firearms certificate (certifying to Controller of Firearms reasons for applying, public safe storage of firearm/ammunition).
- It also prescribes about inspection by police of storage facilities, assurance of applicant's habits/criminal background before issuing permit.
- Section 9 and 10 vests the Controller of Firearms with power to refuse offering firearm certificate/permit or out restrictions to manufacture of ammunition where security/storage are inadequate.
- Section 12 and 13 empower police to demand license/permit, arrest unauthorized possessor and obtain their particulars.
- Section 14 sets penalties for selling, transferring, accepting, testing repairing or possession of ammunition/firearm without permit/licence.
- Section 15 requires firearms dealers to be registered; with security, conditions attached for safe storage, keeping register of customers/transactions, full records of firearms sold, and ensuring public safety/security.
- Section 32 empowers a magistrate/justice, upon receiving information on oath to authorize the disposal of firearms and ammunition.

Laws addressing bio-terrorism (Transmission of Pathogens)

Customs and Excise Act, chapter 23:02

Section 47 of this act may bar the entry of good/parcels into Zimbabwe under the auspices of "Goods prohibited from importation". Sections 11 and 12 of the same act authorize immigration officials to seize or open any packages or postal services suspected to be in contravention of the law.

Post and Telecommunication Services Act, chapter 12:02

The transmission of harmful biological organisms by post which is done by terrorists may be treated "transmission of dangerous substances" or "prohibited articles" in terms of section 49, and 11 (1) (e) of this act. The postmaster general may order the seizure, opening or detention of suspected postal articles in terms of section 15 and 16 of the same act.

The Public Health Act, chapter 15:09, and Hazardous Substances Act, chapter 15:10

The two legislations set procedures for health boards to deploy qualified medical personnel for the purpose of quarantine, removal and destruction of pathogens causing infectious or notifiable diseases and the treatment of contaminated victims.

Laws crippling the financing of terrorist activities

Serious Offences (Confiscation of Profits) Act, chapter 9:17

Banking Use Promotion and Suppression of Money Laundering Act, chapter 24:24

These two pieces of legislation may be invoked to freeze and confiscate assets, income or profits from suspected terrorist activities once information is made available to police.

In both legislations, police may seize assets/profits for business or trading transactions for suspects/accused persons/organizations committing "serious offences" including terrorism. The profits or assets will be declared to magistrate/justice and confiscated to either the state or the requesting foreign country.



General Assembly Security Council

Distr.: General
22 September 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 17
The situation in Afghanistan

Security Council
Sixty-fourth year

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction and overview

1. The present report is submitted pursuant to General Assembly resolution 63/18 and Security Council resolution 1868 (2009), in which the Council extended the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) until 23 March 2010. In its resolution, the Council requested a report on developments in Afghanistan every three months. This report reviews the situation in Afghanistan and the activities of UNAMA since my previous report of 23 June 2009 (A/63/892-S/2009/323).

2. Presidential and provincial council elections were held on 20 August 2009. At the time of publication of the present report, the final results had not been certified. The campaign focused on political agendas, and the preliminary results demonstrate actual competition between the candidates. Public engagement in the election campaign went beyond expectations. These were the first elections run entirely by the Afghan Independent Election Commission, with support from the United Nations Development Programme project entitled, "Enhancing legal and electoral capacity for tomorrow". The success of the Independent Election Commission in opening, equipping and staffing thousands of polling centres across the country was an achievement in itself. Voting, however, was unquestionably marred by irregularities. A campaign of intimidation by the Taliban stifled voter turnout, particularly in the south.

3. The level of alleged electoral irregularities has generated significant political turbulence leading to fears of a return to violence when election results are announced. Institutional processes are in place to resolve allegations about fraud, including the Electoral Complaints Commission, three of whose five members have been appointed by my Special Representative. The Electoral Complaints Commission has the final authority in adjudicating complaints. The Independent



Election Commission began issuing uncertified partial preliminary results as at 25 August 2009. On 8 September 2009, the Electoral Complaints Commission ordered the Independent Election Commission to conduct an audit and a recount at polling stations where there were indicators of serious electoral irregularities. It is important to allow time and space for those processes to work according to the law.

4. The formation of a new Government will provide an opportunity to frame a new agenda and cooperation for Afghanistan and the international community, building on the mutual commitments agreed in London, Paris and The Hague. The present report describes a number of areas of progress with regard to institution-building and aid coordination, which the new Government must expand upon.

5. Insecurity will continue to challenge these efforts and countering it will remain a priority for the new Government. Efforts undertaken over the past several years to increase the number of national and international security forces have failed to stem the insurgency. The recently appointed Commander of the International Security Assistance Force has begun to implement a new approach that ranks the protection of the Afghan population as being the highest priority and includes a closer operational partnership with Afghan national security forces.

6. Human rights issues, in particular the rights of women, remain high on the agenda of concerns. The Shia Personal Status law signed by the President in March 2009, and reviewed following national and international criticism, was amended and entered into force in July 2009. The amended version addressed some concerns but still appears to legalize certain forms of discrimination. The present report also describes the humanitarian situation in the country and the response of the United Nations and the international community.

II. Political developments and elections

7. The election campaign began on 16 June 2009, with posters and billboards of the major candidates appearing in cities across the country. Presidential candidates, including the incumbent, took part in live television debates on a number of Afghan television stations, reaching millions of prospective voters. Each of the 41 candidates was given time to participate in televised round tables that were designed to highlight their respective platforms. Arrangements were made for the Ministry of the Interior to provide police protection and for the Ministry of Defence, within its capacity and where commercial flights were not available, to provide helicopter flights to candidates for campaigning. Several candidates travelled to different parts of the country, holding rallies attended by tens of thousands.

8. The degree to which the campaigns were based on political programmes was encouraging. Abdullah Abdullah, for example, proposed a replacement of the current presidential system with a parliamentary system and decentralized regional governance. President Karzai announced a five-point plan to improve security and increase economic growth. Others focused on the need to combat corruption, manage aid better, create jobs and housing, stimulate trade and establish a ceasefire with the Taliban.

9. The generally substantive tenor of the political debate during the campaign period was in large part due to the flourishing of national, private-sector media since the previous election. Broadcast media was particularly important, given

Afghanistan's high illiteracy rate, with radio broadcasts continuing to be the main sources of news in Afghanistan, and television growing in importance.

10. The five-member Media Commission established in May 2009 to monitor reporting of the electoral campaign and address complaints of media influence issued a series of monitoring reports during the campaign period. It asserted that the State-run media Radio Television Afghanistan failed to meet its obligations to provide the neutral and unbiased coverage required by the Electoral Law. The Ministry of Culture and Information contested these findings. Private-sector news and election reports were, in general, more balanced and provided much of the coverage of the main opposition candidates.

11. A number of presidential nominees publicly withdrew their candidature, many asking their supporters to vote specifically for one of the other candidates. The campaign period also featured numerous rumours of political "deals" or promises of support in exchange for positions in a future Government.

12. The United Nations and the international community stressed the need for a level playing field. My Special Representative reiterated that Government institutions and officials must not interfere in the electoral process. Nonetheless, UNAMA received a number of complaints alleging State interference, in most cases in favour of the incumbent. The most widely reported allegations related to open campaigning by governors on behalf of specific candidates; intimidation of opposition candidates and their supporters; attempts to pay for support; and the use of Government resources for partisan electoral purposes.

13. The Electoral Complaints Commission received 433 complaints during the campaign period, which ended on 18 August. One quarter of the complaints related to the Presidential election, about one third concerned Provincial Council candidates and the remainder were filed against other organizations or individuals involved in the electoral process, including the Independent Election Commission. The Electoral Complaints Commission issued 23 fines, including 17 to presidential candidates who did not produce financial disclosures in accordance with Independent Election Commission regulations.

14. UNAMA and the Afghan Independent Human Rights Commission issued two political rights monitoring reports, covering the candidate nomination period and the campaign period. Overall, and despite the difficult security situation, the nomination and the challenge process was conducted in accordance with electoral laws and regulations and the number of candidates increased when compared with the previous election, in particular in relation to women. The rights of candidates and their supporters during the campaign were respected, despite isolated incidents of documented violations. Nonetheless, women were significantly disadvantaged due to the cultural obstacles that inhibit their participation in public life and were disproportionately impacted by the intimidation tactics of anti-Government elements. The electoral process clearly demonstrated the need to strengthen the disbandment of illegal armed groups process, to implement the measures set out in the 2005 Action Plan on Peace, Justice and Reconciliation, and to build confidence in the judicial system. The weaknesses of the judicial system resulted in individuals allegedly responsible for serious human rights violations standing for public office.

15. A major concern during the final preparations for the election was the need to establish adequate security for the polling. To do so, a Joint Security Planning

Group was established in March. The Group streamlined security planning between the Afghan national security forces, the Independent Election Commission, international security forces and UNAMA. During the month before election day, a series of meetings were hosted by my Special Representative, including with the Ministers of Defence and the Interior, the National Security Directorate, the International Security Assistance Force, the Independent Election Commission and members of the international community, to address the increasingly problematic issue of securing the polling centres on the basis of the provisional Independent Election Commission planning figure of 6,969 polling centres. The Independent Election Commission insisted that all polling stations have Afghan National Police and Afghan National Army personnel present, even if their presence was, in some cases, to be supported by "community protection forces". As polling day approached, it was clear that not all sites could be secured. On 18 August, the Independent Election Commission announced that it intended to open 6,519 polling centres on election day. After the elections, the Independent Election Commission announced that it had opened 6,199 centres. Some of the centres had to be relocated from their originally planned site owing to security reasons.

16. The intensity of insurgency operations increased in the week before the election. On 15 August, a vehicle-borne suicide bomb exploded near the International Security Assistance Force base in Kabul City, killing at least seven people and wounding another 70. Another vehicle-borne suicide bomber careened into an international military convoy on 18 August, killing two International Security Assistance Force soldiers and seven civilians, and injuring at least another 50. Two UNAMA national staff members who were nearby were killed in the attack and one was wounded. These incidents were the first suicide attacks to occur in Kabul City since March 2009. Night letters and direct threats were reported countrywide, including the threat to cut off fingers marked with the indelible ink used to identify voters who had cast ballots. There were also increased reports of factionally inspired intimidation incidents.

17. This prelude, along with threat warnings received by the United Nations, contributed to fears that anti-Government elements would conduct a series of spectacular attacks on 20 August. In fact, election day saw a high number of stand-off attacks, improvised explosive devices and small-scale armed clashes. In total, some 300 incidents were recorded. Eighteen Afghan police were killed and 27 wounded on polling day; at least 30 civilians were killed and 31 were wounded.

18. Incidents of electoral fraud, irregularities and other problems were reported. Alleged irregularities included ballot box stuffing, premature closing of centres, opening of unauthorized centres, underage voting, multiple voting, proxy voting, campaigning by candidate agents inside polling centres and complaints by candidates about their agents not being permitted to enter and observe the voting. The Electoral Complaints Commission has received 2,842 complaints, of which 726, if determined valid, could have a material effect on the final results.

19. On 8 September, the Electoral Complaints Commission ordered the Independent Election Commission to conduct an audit and recount at polling stations where preliminary results had indicated either that the total number of votes cast was greater than 600 (the number of ballots provided for each station) or that any one presidential candidate had received 95 per cent or more of the valid votes, providing that the total number of votes exceeded 100. On 16 September, the

Independent Election Commission, which had began releasing uncertified partial results as of 25 August, issued final uncertified results for the presidential elections. The results of the elections cannot be certified by the Independent Election Commission until all complaints have been adjudicated by the Electoral Complaints Commission.

20. One safeguard of the electoral process was the presence of observers and candidate agents at the polling centres. The Independent Election Commission accredited 169,709 candidate agents for Provincial Council candidates and 92,897 agents for presidential candidates. In addition, it accredited 1,106 international observers and 9,228 domestic observers. International observers were unable to reach the most insecure areas of the country. The Free and Fair Election Foundation of Afghanistan, however, reported that it had deployed over 7,000 domestic observers in all 34 provinces across the country.

21. The electoral process crowded out almost all other political activity during the reporting period. It is significant, however, that every presidential candidate referred to the need for a reconciliation process to end the insurgency. My Special Representative spoke publicly on several occasions regarding the need for such a process to take place, and for it to be inclusive. For the level and shape of such a process to be determined, establishing a coherent national strategy must be a priority of the new Government.

III. Institution-building, governance and rule of law

22. The future Afghan State must be founded on solid institutions staffed with competent officials selected and promoted on the basis of merit. These are the minimum conditions for exercising the basic functions of Government at the central and provincial levels. Many efforts have been made over the past eight years to create these institutions. The efforts have been insufficient, despite significant investment. Frequently, they have undermined each other. Institution-building has also been undermined by the insufficient number of trained and qualified Afghans, by a tolerance for patronage and corruption, by the lack of an administrative culture and by the tendency of Afghan politicians to perpetuate old rivalries rather than to focus on the needs of State-building. The deteriorating security situation has also significantly hampered attempts to build law-based institutions. The insurgency has deliberately targeted institutions at their weakest points in order to prevent their consolidation.

23. Two main non-security-related factors drive qualified Afghans away from Government service: low pay, in particular if compared to the pay offered by non-governmental organizations and international organizations, which continue to have a high demand for competent Afghans; and patronage-based promotion systems. The main effort to address these problems has been the pay and grading reform process, which is at the centre of the overall public administration reform and entails an evaluation of existing staff, salary increases and merit-based career development for those whose capacities and skills match Government service needs. Approximately 230,000 civil servants, including teachers, will be assessed and will then be subject to the compensation and benefits of the new mechanism over the next four years. The reforms have so far been completed in the Ministries of Justice, Finance, Education, Communication, Agriculture, and Rural Rehabilitation and

Development. A similar process is being undertaken for judges, even though they are not considered civil servants.

24. Training Afghans who serve or wish to serve in Government is as important as retaining qualified staff. UNAMA has supported the Civil Service Commission in developing a standard curriculum across five common functions within the Civil Service: accounting, procurement, human resources, project management and policy development. Previously, different donors offered different curricula, often based on their own national institutions rather than on Afghan needs. The establishment of a single Afghan curriculum will ensure a much more coordinated and Afghan-centric approach to capacity-building. Over 15,000 members of the Civil Service will be trained on this curriculum over the next two years. In addition, my Special Representative, with strong support from the United Nations Educational, Scientific and Cultural Organization has encouraged the Ministers of Education, of Higher Education and of Labour, to work together to ensure that young Afghans are provided basic education, and that those with aptitude are provided opportunities to advance their education and develop their skills.

25. The lack of institutionalized structures and administration in Afghanistan accentuates the importance of sound leadership for these structures and in the administration. When competent ministers have been appointed to underperforming ministries, the ministries have dramatically improved. The same is true for Governors. Currently, there is no mechanism to ensure that this type of leadership is in place. The Advisory Panel for Senior Appointments, whose establishment was among the benchmarks of the 2006 Afghanistan Compact, is mandated to play this role, but is only sporadically consulted and has been less effective than hoped.

26. Administrative reform cannot be successful if the problem of corruption is not forcefully addressed. Progress has been made at a formal level: 27 ministries and Government institutions have provided anti-corruption action plans to the High Office of Oversight. The Ministries of Finance and of the Interior have begun implementing their plans while others are under review. Some 70 per cent of cabinet ministers and 1,200 senior Government officials have made personal asset declarations. Nonetheless, the implementation of these initiatives has lacked urgency and enforcement, causing a general mistrust in their effectiveness. Polls taken prior to the elections have revealed that corruption was a major concern among Afghans. There is concern not only about the aggravation of having to pay more for administrative processes or entitlements but, more importantly, about the resulting lack of confidence in the Government. This distrust has undermined the Government's authority and legitimacy, playing into the hands of the insurgency. The next Government of Afghanistan must recognize the critical importance of this issue and take visible, convincing and sustained action to address it.

27. Administrative reform, police reform (addressed in the section below) and anti-corruption efforts must take place within a strengthened framework of the rule of law. The blueprint for reforming the justice system is the National Justice Sector Strategy. The mechanism for implementing the strategy is the National Justice Programme. The Oversight Committee of the Programme meets regularly and, after a slow start in 2008, its advisory Board of Donors, co-chaired by UNAMA and, currently, the European Commission, now meets monthly. The main task of the Committee, with the assistance of the Board, must now be to reconcile the top-down, long-term programme of the National Justice Sector Strategy with the

realities on the ground. This means that an overall analysis must be conducted of how many courts and prosecutor offices are required and how they should be staffed within realistic time frames. Justice institutions must be built concurrently with police structures. Establishing clarity on both the judicial and police structures required for Afghanistan in the short- to medium-term must be a priority for the next Government.

28. The focus of most institution-building has so far been at the central level. The reform of subnational institutions has been hindered by a lack of clarity over their roles and their relationship to the central Government, as well as by their lack of capacity and resources. Government officials at the local level are also the most likely to be targeted by the insurgency, multiplying the difficulty of recruiting and retaining them. Furthermore, the lack of infrastructure for subnational institutions undermines their authority and effectiveness. According to a recent survey conducted by the Independent Directorate for Local Governance, in 364 districts in Afghanistan, a total of 184 district governors lacked offices, a total of 288 had no official vehicle and 318 district administrative centres had no electricity supply.

IV. Security and security sector reform

29. Insecurity continues to be the single greatest factor impeding progress in Afghanistan. The insecurity is caused by a politically driven insurgency, but it has also been exploited by criminal groups, drug traffickers and others. In many parts of the country it has overwhelmed the capacity of Afghanistan's State institutions.

30. The tactics adopted by the insurgency since its resurgence in 2005 have remained unchanged in their essence. These are an avoidance of force-to-force encounters, a reliance on asymmetric tactics, deliberate targeting of representatives of State institutions and international organizations and a disregard for human lives. The implementation of these tactics has more recently evolved in complexity. The combination of simultaneous suicide and stand-off attacks has enabled insurgents to overcome increased security measures around Government installations in particular. Furthermore, the insurgency is increasingly able to act in areas where it previously could not, in particular in the north-east and north-west of the country.

31. There has been an average of 898 incidents in the first seven months of 2009, compared to 677 during the same time frame in 2008. Incidents involving improvised explosive devices have risen dramatically, to an average of more than eight per day, 60 per cent higher than the average during the first seven months of 2008.

32. Complex attacks now average one per month compared to one per quarter in 2008. In the majority of these attacks, security forces responded professionally and quickly, effectively containing and limiting the impact of the attacks. The most recent such incidents include an attack against the Khost Police headquarters building by multiple attackers on 25 July and a suicide attack on 21 July against the Gardez National Directorate for Security headquarters, Police headquarters and Governor's compound, one of which shared access with the United Nations Multi-Agency Compound.

33. The United Nations, while not directly targeted, has suffered from exposure to insurgent attacks targeting others. As mentioned earlier in the present report, on

18 September, two national staff members were killed and another injured in a vehicle-borne suicide bomb attack on an international military convoy in Kabul.

34. Intimidation efforts by insurgents and the Taliban focused on discouraging participation in elections. Threats of violence were accompanied by publications in several languages questioning the legitimacy of the elections and the current Government. The publications also expressed highly negative views of the United Nations, using arguments previously espoused by Al-Qaida. On election day, there were relatively few civilian casualties, but the day saw the highest number of security incidents since 2001. The most widely used tactic was stand-off attacks by rocket and mortar fire. The geographical distribution of incidents was consistent with recent levels of violence. The majority of the incidents were recorded to have taken place in Kunduz in the north-east, Kandahar in the south, Khost in the south-east and Kunar and Nangarhar. The lack of spectacular attacks in Kabul and elsewhere on polling day can be attributed, at least in part, to effective operations by Afghan and international security forces.

35. The international military has responded to the insurgent threat over the past several years mainly by increasing the number of international and Afghan troops. The increase in insecurity described in the present and previous reports suggests that this approach has been insufficient. The new International Security Assistance Force Commander has adopted a qualitatively different approach, which focuses on protecting the population rather than on targeting insurgents. A tactical directive was issued restricting the use of air power and the conditions under which house searches and arrests were made. The new approach includes closer partnership between Afghan and international forces to make better use of existing Afghan capabilities and hasten their development.

36. The key to long-term stability in Afghanistan remains the training of Afghan national security forces, particularly the Afghan National Army and the Afghan National Police, as well as reform of the relevant ministries. As part of the Ministry of the Interior reform process, efforts are being made to establish the exact number of serving and active police personnel and to strengthen the human resource management mechanism. There remains a lack of clarity over the ideal size and composition of the police force. The Joint Coordination and Monitoring Body agreed that any increase in Afghan National Police strength must be based on the development of an internal national security strategy, which defines the roles and responsibilities of the various components of Afghanistan's national security forces and provides the basis for decisions on the size and composition of the police, and hence its structures and training requirements. A committee to draft the strategy has been set up under the lead of the National Directorate for Security, with international support.

37. The Afghan National Army continues to recruit and train faster than expected. Troop strength reached 93,000 in July 2009, 5,000 more than projected. The prospect of reaching the target strength of 134,000 by December 2011 therefore remains realistic. In accordance with the vision of International Security Assistance Force new leadership, the Afghan National Army is expected to play a larger role in planning and carrying out operations.

V. Counter-narcotics

38. Corruption, lawlessness, conflict and instability continue to have a negative impact on the drug situation in Afghanistan. Nonetheless, there have been significant positive trends. An overproduction of opium in recent years has led to a fall in prices while prices for alternative crops, wheat in particular, have risen. The loss of earnings is making the drug trade less attractive to farmers, with United Nations Office on Drugs and Crime figures suggesting that some 800,000 people have turned away from opium production. In 2009, gross income per hectare of poppy shrank by one quarter to \$3,562 per hectare, from \$4,662 per hectare in 2008. This market correction, which started in 2008, must be further stimulated if the current downward trend is to be consolidated and if its coverage is to be expanded nationally.

39. Since the beginning of 2009, opium cultivation in Afghanistan has decreased by 22 per cent, from 157,000 to 123,000 hectares, and the country now has 20 opium-free provinces, compared to 18 in 2008 and none in 2004. The sharp reduction in Helmand Province by one third is perhaps the most striking feature. This is a much welcomed trend since Helmand alone accounts for approximately 65 per cent of Afghanistan's total area under opium cultivation. Conversely, cultivated areas increased by 11,500 hectares over several provinces (Nangarhar, Badakshan, Kandahar, Dai Kundi, Badghis and Herat), indicating that stronger efforts must be made in order to maintain previous progress. Provinces and districts receiving lower levels of external support are vulnerable to a reversal in gains and prone to the insecurity and instability that feed on opium cultivation. The United Nations Office on Drugs and Crime, in conjunction with partner United Nations agencies, has initially focused on five districts in the western provinces, while other bilateral partners are active in the south and east of the country. The United Nations Office on Drugs and Crime is also supporting the Ministry of Counter-Narcotics to take the lead in improving the coordination of the various existing alternative livelihood initiatives and in improving their impact. To sustain progress, a balance must be struck between addressing core producing zones and devoting resources to consolidate poppy-free communities.

40. Renewed attention has been given to arresting high-level operators in the opium economy, dismantling drug trafficking networks and interrupting the flow of precursor chemicals into the country. At the meeting of Group of Eight foreign ministers held in Trieste in June, the United States of America announced a revised counter-narcotics policy, which accentuates the provision of alternative livelihoods and de-emphasizes eradication. Increased North Atlantic Treaty Organization and International Security Assistance Force support to Afghan national counter-narcotic agencies has led to the seizure of 47 tons of opium, 6 tons of dry morphine, half a ton of heroin and 16 tons of hashish thus far in 2009. The Criminal Justice Task Force has been investigating, prosecuting and convicting leading drug cases nationally. In this context, the March-April presidential pardon extended to five convicted traffickers sends the wrong signal and demotivates national actors who are working to convict high-level targets at great personal risk.

41. At the regional and international levels, under the trilateral initiative of the United Nations Office on Drugs and Crime "Rainbow strategy", the first joint international counter-narcotics operation between Afghan and Iranian law enforcement agencies was conducted from 26 to 28 July along the northern border

between Afghanistan and the Islamic Republic of Iran. The operation involved Afghan and Iranian border police and counter-narcotics police. Nearly half a ton of drugs was seized and several arrests made. Similar joint operations involving Pakistani and Iranian law enforcement agencies were conducted in March and again in August 2009. These initiatives should be an integral part of the agendas of the regular trilateral meetings of the Presidents of the Islamic Republic of Iran, Afghanistan and Pakistan.

VI. Afghanistan National Development Strategy and Joint Coordination and Monitoring Board

42. The 12th meeting of the Joint Coordination and Monitoring Board, held on 9 July 2009, consolidated the role of the Board as a central platform for strategic coordination and joint policy formulation between the Government of Afghanistan and the international community. The Afghanistan National Development Strategy, however, needs to be better focused. The first-year review of the strategy, released in July, concluded that an unambiguous set of priorities and programmes must be developed by the Government of Afghanistan. The Government currently has a strong economic team that has begun to set the development agenda more vigorously by prioritizing the Strategy and focusing on linked strategies to unlock the potential of Afghanistan's economic centres of growth, in particular agriculture, mineral resources and human development. UNAMA could play a more effective coordination role as a result of these more coherent and focused Government programmes.

43. Afghan leadership has become increasingly effective not only in setting the development agenda but in implementing its components. Since the beginning of the year, it has become increasingly clear that donor alignment has occurred when the Government has produced initiatives, such as in agriculture, private sector licensing reform and capacity development. In each case, programmes were presented by the Government to donors at a meeting of the Joint Coordination and Monitoring Board. This model — leadership by the Government of Afghanistan in setting policies and defining programmes, followed by Joint Coordination and Monitoring Board approval and ensuing donor support — has become the template for aid coordination. Donors, however, often remain insufficiently flexible, preferring to plan future funding decisions based on current priorities, rather than adjust their allocations quickly. Immediate donor support for an Afghan initiative was, however, provided to the Government in the crucial area of technical assistance and capacity development. UNAMA supported the Ministry of Finance in developing a civilian technical assistance plan. The plan is based on several clear principles, including that: technical assistance must be demand-driven; priority should be accorded to advisers from within the region; advisers must remain long enough to have a real impact; and the focus must be on mentoring Afghan staff. The first 55 of these positions, which reflect either the needs of ministries devoted to aid effectiveness or ministries that oversee sectoral priorities, have been identified. The recruitment process is under way with the support of a number of donors.

44. In June, my Special Representative challenged the international community to increase, by at least 10 per cent, the amount of goods and services they procure locally. This would strengthen the private sector and generate increased Government

revenue. Since then, Peace Dividend Trust, a non-governmental organization that tracks local procurement, has identified a clear upswing in the purchase of local goods and services by embassies and other organizations. The United Nations has led by example, increasing its overall procurement from local sources. This approach increases what Peace Dividend Trust defines as "spending the dollar twice": when funding remains in the country, it creates jobs and opportunities within the Afghan market, increasing the impact of every dollar spent.

45. Progress has been made in tracking the flow of development funding. An increasing number of donors now contribute to the development assistance database, managed by the Ministry of Finance. The refinement of the database, supported by UNAMA and the United Nations Development Programme, has increased the use of this tool and improved the visibility of development funding, in particular of funds not directed through the Government budget. Another positive development is that all provincial reconstruction teams are currently reporting regularly on their project activities to the Afghanistan country stability picture database (an International Security Assistance Force-led geographic database of reconstruction and development projects across the country, merging data from the ministries of the Government of Afghanistan, donors, non-governmental organizations and provincial reconstruction teams across the full spectrum of Afghan National Development Strategy sectors). Work is currently ongoing to merge the two databases. There is a critical need to monitor not only donor expenditures but also the impact of the assistance provided. UNAMA has been working with the Ministry of Economy to strengthen existing information management systems so as to better evaluate improvements and provide lessons learned on which methods of project implementation yield better and more sustainable results.

46. Not all the news on donor coordination and aid effectiveness is positive. Pledges and contributions to the Afghan Reconstruction Trust Fund for the current fiscal year is almost \$50 million less than in 2008. Furthermore, according to the World Bank, donor preference for funding projects seen as priorities has increased to over 50 per cent. Often these donor priorities were established years earlier with minimal involvement by the Government of Afghanistan. The Afghan Reconstruction Trust Fund, a basket fund that finances core Government activities, is the primary Government mechanism to ensure that priorities are financed, and it is the only mechanism that enables the national budget to act as a strategic planning tool. The reduction in funding of the Afghan Reconstruction Trust Fund, and the increase in preferencing, reduce the Government's flexibility and its ability to exert leadership and prolong its dependency on the international community at precisely the moment when this dependency should be demonstrably reduced.

47. As security has deteriorated in some areas, key donors have refocused assistance on programmes that are designed to provide stability in the wake of combat operations. The need for these programmes is understandable, but it must not come at the expense of areas that are stable, on the one hand, yet increasingly vulnerable to the insurgency, on the other. There is a significant danger of backsliding in many areas of the country, if development resources are not leveraged to consolidate that stability. UNAMA has further recommended that stabilization initiatives should focus on national programmes, not be restricted to post-combat areas only and concentrate where possible on economic and employment generation and on linking communities with Government.

48. The relative importance of the provincial reconstruction teams in assistance delivery has increased in unstable areas. Provincial reconstruction team budgets have grown, and access of civilian development actors has diminished. The immediate goal of provincial reconstruction team projects is to provide stability through aid, and this short-term imperative sometimes comes at the expense of aid effectiveness principles. In order to align the work of provincial reconstruction teams with Government priorities and reliable aid effectiveness practices, the Executive Steering Committee was re-established in early 2009, under the leadership of the Independent Directorate for Local Governance.

49. Afghanistan's economic growth also depends heavily on its relationship within the wider south and central Asian region. Building this relationship in a way that contributes to Afghanistan's development, means developing transportation and energy networks and establishing the legal framework for such cooperation, including trade agreements and border management. The Government has increasingly begun to focus on the need for a dialogue with its northern neighbours on transborder water management. The United Nations and the World Bank have agreed to help build the capacity of the Government to conduct negotiations on the issue.

VII. Human rights

50. Much attention, both by the international arena and by Afghanistan, has focused on the rights of women in Afghanistan, in particular on the threat that rights secured so far may be eroded. The report of the Office of the High Commissioner for Human Rights and UNAMA entitled "Silence is violence: end the abuse of women in Afghanistan", which was issued in July, examined factors contributing to a rising trend of threats and attacks against women in public life and sexual abuse of women and girls. A culture of impunity for rape partly accounts for the deep-rooted nature of the problem and is entrenched in customs, attitudes and practices that dictate a subservient role for women in society. Other factors, including the role that conservative forces play in restricting women's rights, as well as inadequate efforts by the Government and others to challenge discrimination forcefully, threaten to erode the gains made to improve the situation of Afghan women. The controversy surrounding the Shia Personal Status law exemplifies the problem.

51. An amended version of the Shia Personal Status law was endorsed by presidential decree on 19 July and became enforceable on 27 July. Notwithstanding some improvements on an earlier version of the law, the United Nations is concerned that this law may still legalize discriminatory norms and traditional practices against women and contravene constitutional guarantees as well as international treaties to which Afghanistan is a State party. It is of concern that the law appears to permit underage marriage under specific conditions, restrict a woman's freedom of movement and, in the event of divorce, allow guardianship of children only to fathers and paternal grandfathers. On 19 July, President Karzai signed the law on the elimination of violence against women. The new law criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution. It represents a step forward in responding to and preventing violence against women and girls. It remains unclear whether the law will take precedence over the Shia Personal Status law.

52. My Special Representative paid particular attention to the issue of detention centres and visited several such centres in and around Kabul, including the detention facility at Bagram. The intention of the visits was to see the conditions of the detention centres in person, to see that the detainees were being provided with a means to be in touch with their families and that they had access to due process. The United Nations is working with Afghan justice institutions to strengthen their capacity to abide by national and international human rights norms regarding detention and the conduct of trials.

53. The United Nations has supported the establishment of a Human Rights Support Unit in the Ministry of Justice. The Unit is designed to assist all entities within the Government in formulating policies and programmes that are compliant with Afghanistan's international human rights obligations.

54. The Mission recorded 1,500 civilian casualties between January and August, with August being the deadliest month since the beginning of 2009. These figures reflect an increasing trend in insecurity over recent months and in elections-related violence. Almost three times as many civilian deaths (68 per cent) were attributed to anti-Government elements activities than to pro-Government forces (23 per cent). As detailed in the UNAMA mid-year bulletin on the protection of civilians in armed conflict, the most deadly tactics used and which accounted for the largest number of civilian casualties in the conflict to date were attributable to planted improvised explosive devices, and suicide attacks carried out by anti-Government elements accounted for 39.5 per cent of fatalities. Air strikes by pro-Government forces accounted for 20 per cent of fatalities.

55. Efforts were made to mobilize support for initiatives to protect mass graves and safeguard evidence that would be vital for an eventual process of accountability. UNAMA facilitated visits by the non-governmental organization Physicians for Human Rights to strengthen forensic capacity in Afghanistan, in particular in relation to a grave uncovered in the premises of the Ministry of Interior.

VIII. Humanitarian situation

56. Security incidents targeting humanitarian activities increased significantly. Humanitarian workers continued to be subject to intimidation, robberies, abduction and assassination. The Afghan National Safety Office reported 75 incidents in the first six months of 2009 alone. The worst incidents included attacks by armed groups on humanitarian convoys, abduction of humanitarian personnel, the destruction of a clinic and the direct targeting of an international non-governmental organization vehicle by a roadside bomb, resulting in the death of two aid workers. During the last week of July and the first weeks of August, attacks against humanitarian organizations decreased slightly, owing in part to a decrease in programme activities in several regions in the light of the elections.

57. Several incidents affected mine action workers. This notwithstanding, United Nations-supported mine action activities in Afghanistan contributed to the removal of approximately 80,000 anti-personnel landmines, 900 anti-tank mines and 2.5 million explosive remnants of war during the past 12 months, and provided mine risk education to more than 750,000 men, women, girls and boys. The number of casualties dropped in 2009 to under 50 victims per month, the lowest level in over 10 years. The concept of community-based demining has been developed as a means

of enabling landmine clearance in the most insecure areas and has been strongly supported by communities in the most volatile provinces in the east and south of the country. The initiative has been geared towards clearing villages and districts, bringing small salaries to deminers and cash to communities through local procurement of services and supplies.

58. The ongoing insecurity continues to adversely affect the humanitarian situation, causing temporary displacement and limiting access to those in need. In Helmand Province, the launch of the international military operation "Khanjar" led to the temporary displacement of some 2,000 households. Short-term displacement of civilians has also been reported in the western region (Badghis and Farah Provinces), as well as in the south-east and east (Khost, Pakitika, Nuristan, Nangarhar and Kunar Provinces), also in relation to military operations in proximity of those areas. The security situation hinders independent verification of needs and the delivery of assistance in conflict-affected areas.

59. The Afghan population continues to be affected by natural hazards. In the aftermath of the spring floods that affected 22,000 households in 13 provinces, and with winter approaching, the humanitarian community together with the Government is reviewing short- and long-term shelter needs.

60. In response to gaps in previous polio vaccination efforts, the World Health Organization and the United Nations Children's Fund launched a vaccination campaign in Kandahar, Uruzgan, and Helmand Provinces, with the goal of eradicating polio by the end of 2009, with support from the Ministry of Public Health and the International Security Assistance Force. Access negotiations were largely successful and vaccination teams were able to reach many children for the first time. However, the effort hit a serious obstacle with the abduction of an immunization team. Although most of the team was released after the intervention of community elders, the whereabouts of the team leader remain unknown.

IX. Mission operations and support

61. The UNAMA field offices continued to support the Government and its international partners in their efforts to improve the delivery of services to the Afghan population as a whole. The offices monitored political and human rights development and contributed to improving aid effectiveness and coordination at the subnational level and to carrying out the mandated good offices and outreach functions of the Mission.

62. The field structure of the Mission comprises eight fully integrated regional offices located in the Provinces of Bamyan, Paktya, Herat, Nangarhar, Kabul, Kandahar, Kunduz and Balkh and 12 provincial offices in the Provinces of Badakhshan, Badghis, Baghlan, Dai Kundi, Faryab, Ghor, Khost, Kunar, Nimroz, Sari-Pul, Uruzgan and Zabul. Two of these, Sari-Pul and Uruzgan, were opened earlier in 2009. The provincial office in Farah, is scheduled to open by the end of 2009. Completion of construction of the Ghazni office is planned for November 2009, with an opening in mid-December. Premises have been identified and negotiations are under way to open three additional provincial offices in 2009 (Jawzjan, Pansher, Takhar). These offices, with a planned opening date of mid-November, would bring the number of UNAMA provincial offices to 17 by year-end. The absence of suitable premises and the security situation in Lashkargah

(Helmand Province) are delaying the opening of an office in Helmand Province. The Mission will continue to use its liaison offices in Islamabad and Tehran for all of its activities with a regional dimension. Mission requirements for armoured vehicles for the field offices remain high and are increasing in the face of the continuing deterioration of the security situation around the country. Orders are in place for substantial deliveries in the coming months.

63. Expansion of the Mission's geographic coverage required deployment of additional administrative and technical staff to provide on-site support, in particular in the areas of engineering, transportation, security, communication, information technology and finance. The expansion also resulted in an increased need for air assets, which were provided in the 2009 budget. Additional air assets were also required to compensate for the reduction in land travel by the Mission as a result of decreased security and the need to access certain locations quickly in the event of medical evacuations or relocations of staff. These requirements also apply to 2010.

64. As a result of the planned future expansion and strengthening of UNAMA called for in Security Council resolution 1868 (2009), the estimated budget of the Mission for 2010 will increase overall by some 70 per cent over the 2009 budget. This includes a staffing increase of some 1,000 (of which approximately 170 would be international staff) and additional field offices to give UNAMA a presence in every province. The planned budget also reflects a significant increase in staffing for UNAMA donor coordination and aid effectiveness capacities to meet the requirements to enable the Mission to carry out its mandate effectively.

65. With the refocusing of the UNAMA mandate to include significant roles in donor coordination and aid effectiveness, several Member States have moved to support the initiative through the provision of gratis personnel with technical expertise in key areas in response to the United Nations call for the provision of such expertise in December 2008. These resources have been vital to UNAMA in establishing its role, in particular in the areas of agriculture, energy and private sector development. However, as the tenure of such staff with the Mission draws to a close, there will remain a need for specific technical skills to be brought into UNAMA for the longer term. A diverse and experienced pool of candidates must be available for what is a new and unique role within United Nations missions. Finally, UNAMA is seeking a small increase in the size of the Military Adviser Unit, and its presence in field offices, in order to better support the civil-military coordination mandate of the Mission and to liaise more effectively with Afghan and international military forces.

X. Observations

66. The election has dominated the period since submission of my previous report in July. While the process has not been brought to its conclusion, certain observations can be made with regard to its various components.

67. First, these elections have been among the most demanding ever to be organized. To hold elections in a country in deep conflict, with weak institutions, weak infrastructure, a high illiteracy rate and 41 presidential candidates has been tremendously challenging from many perspectives. Nevertheless, the timetable was respected, with the exception of the counting

and complaints period, most of the planned polling stations were opened and logistical operations were successful.

68. Second, the predictions of public apathy proved to be wrong. There was an engagement by the public during the campaign period and a debate between political alternatives, which have rarely, if ever, been seen in Afghanistan. The people wanted the elections to be held and wanted to see a consolidation of democratic processes, even under extraordinarily complex conditions. There are frustrations among the Afghan people about democratic institutions not having delivered enough, but there is no appetite to abandon those institutions.

69. Third, in spite of better safeguards being in place than had been in place during previous elections, serious electoral fraud occurred, made possible primarily — but not exclusively — by the lack of access to parts of the country owing to the ongoing conflict. This lack of access seriously hampered the transparency of the elections. Anti-fraud mechanisms, however, were able to detect much of the fraud that did occur, and institutions such as the Electoral Complaints Commission were able to address these problems.

70. Fourth, a number of lessons have been learned underlining the importance of starting the planning for the 2010 parliamentary elections immediately. These lessons are being evaluated now, and planning for 2010 has begun.

71. Following a decision by the Electoral Complaints Commission to review results from a number of polling stations, a credible audit and recount process is now coming to its conclusion. When the entire electoral process is completed, it will be of critical importance for the results to be accepted by all so that the election of Afghanistan's future president can be certified and a new Government can be formed.

72. It is imperative that the international community maintain a long-term commitment to Afghanistan. There must also be a decisive shift in the relationship between the Government of Afghanistan and the international community. The Government must be enabled and determined to assume all the responsibilities that belong to a sovereign State. The international community, for its part, must play a role that is clearly one of support. A new "contract" between the Government of Afghanistan and its people will be a critical component in this shift of responsibilities. The Government's ability to play this role more effectively and more convincingly will help consolidate the partnership between the Government of Afghanistan and the international community.

73. The level of trust that a future Government of Afghanistan can build with its people will have an impact on the level of the support that Governments of donor and troop-contributing countries receive from their constituencies for continued support to the efforts of the Government of Afghanistan.

74. The formation of a Government of Afghanistan will be the first critical step in reshaping these relationships. The new Government should demonstrate that it is determined and able to address the main concerns of its people, including security, the rule of law and the need for sustainable economic and social development. The Government must come closer to its people.

75. The new Government programme would have to include a comprehensive agenda to build Afghanistan's institutions, in security as well as civilian areas, at the national and local levels. Furthermore, it would have to include an agenda for sustainable economic growth based increasingly on Afghanistan's own resources. In both areas, the fight against corruption and the culture of impunity must be key components.

76. The international community should energetically embrace programmes that enable Afghanistan to assume fully its responsibilities as a sovereign State, facilitate an inclusive peace process and shape Afghanistan's status in the region. For the international community to play this role effectively, donors must devote sufficient resources and attention to high-impact activities that can bring sustainable improvements in the quality of the institutions and in the prospects for economic development. This will require a clear political will to follow established priorities.

77. In my previous report (A/63/892-S/2009/323), I underlined the need to maintain the positive momentum that has emerged in such critical areas as in the strengthening of security institutions and finance departments and in the agriculture sector. That momentum has been maintained in spite of the intense electoral process. This is in itself a remarkable achievement. When a new Government has been established, additional resources and attention must be devoted to accelerating and expanding these positive developments.

78. During the past months, donor coordination has also improved. There is a greater readiness to unite behind well-formulated national programmes and policies. However, much remains to be done in order to bring the Government and the international community together around a clear, priority-based strategy. UNAMA will continue to do its utmost to fulfil its mandate in this regard.

79. In order to do so, UNAMA will need greater resources as well as specialized personnel. I appeal to Member States to assist in providing these resources, which will be critical to our overall success in Afghanistan.

80. I would like to express my sincere gratitude to my Special Representative, Kai Eide, for his resolute efforts and commitment, and to all UNAMA staff for their unfaltering work, in particular in support of the electoral process, in difficult and dangerous circumstances. I also thank the Mission's partners, including the United Nations country team, Member States and the International Security Assistance Force, as well as humanitarian and other international partners, for their work and the support they continue to lend to UNAMA.

Annex

Benchmarks and indicators of progress

The strategic benchmarks and indicators of progress provided below are drawn from the overall mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as outlined in Security Council resolution 1868 (2009), and define the conditions required for self-sustaining security and development in Afghanistan. They are results-based and not tied to target dates, with the exception of election dates as set out in the Constitution. These benchmarks and corresponding indicators are meant to provide the Security Council with information relevant to determining the extent of progress towards fulfilling the objectives envisaged by the Council as well as areas that may require adjustment.

The first set of benchmarks addresses the main institution-building needs: improvements in the civil service at the national and subnational levels; establishment of a well-functioning, nationwide justice system, improvements in revenue collection; and the holding of credible elections in 2010.

The second set of benchmarks addresses improvements in security. The key actors are Afghan and international security forces (except the benchmark on civil-military coordination, which comprises a specific element of the UNAMA mandate), although UNAMA has the capacity to help monitor progress towards these benchmarks.

The third set of benchmarks concerns economic and social development. While UNAMA has a mandate for donor coordination, progress in this area will depend on well-designed programmes in key sectors adopted and implemented by the Government of Afghanistan, and on the readiness of key donors to align behind these programmes.

Finally, there are two sets of benchmarks on human rights and on counter-narcotics, cross-cutting issues that influence progress on other issues, but which are dealt with separately here.

The benchmarks do not include the question of a possible peace and reintegration process, which will require the elaboration of a plan by the Government of Afghanistan and well-orchestrated support from the international community.

These benchmarks may be refined in the light of future agreements between the Government of Afghanistan and the international community.

1. Governance and institution-building

Benchmark: extension of Government authority throughout the country through the establishment of democratic, legitimate, accountable institutions, down to the local level, with the capacity to implement policies and to be increasingly capable of sustaining themselves

Requirements for progress include political will and funding for the building of national and subnational institutions, including within the justice sector;

commitment to combat corruption and enforce the rule of law; and the capacity of relevant Afghan institutions to organize elections.

<i>Indicators of progress</i>	<i>Metrics</i>
Holding credible national and subnational elections	• Assessment based on UNAMA monitoring of the electoral process • Assessments of national and international election observers • Acceptability of results by voters, candidates and political parties
Improvements in civil service capacity at the central, provincial and district levels	• Assessment based on UNAMA tracking of merit-based appointments and training of civil servants • Assessment based on the monitoring of the public administrative reform process • Assessment based on the monitoring of provincial reconstruction team activities in support of capacity-building
Decreasing corruption within Government institutions	• Ranking by Transparency International • Assessment based on monitoring by UNAMA • Number of high-level criminal corruption cases investigated, prosecuted and tried
Increase in State revenue collection (taxes and tariffs)	• State revenue figures • Assessment on the level of implementation of customs reform
Establishment of credible judicial and penal systems that respect and uphold human rights, and a judicial system accessible to all citizens	• Assessment of the number of trained judges and prosecutors working at the provincial level based on monitoring by UNAMA • Assessment of the number of justice institutions and facilities (courthouses, equipment, etc.), operating in each province based on monitoring by UNAMA • Assessment on the number of criminal cases investigated, prosecuted and tried based on monitoring by UNAMA
Provision of adequate infrastructure to enable the functioning of Government institutions, especially at the subnational level	• Assessment of the number of provincial and district Government offices equipped and able to carry out essential functions based on monitoring by UNAMA

<i>Indicators of progress</i>	<i>Metrics</i>
Improved public perception of the integrity and effectiveness of the formal justice system and reliance upon it	• Assessment based on opinion polls and surveys

II. Security

Benchmark: development of a sustainable Afghan security structure that is capable of ensuring peace and stability and protecting the people of Afghanistan

Requirements for progress include an increase in the quality and quantity of Afghan National Police/Afghan National Army personnel and the gradual transfer of responsibility from international forces to Afghan national security forces; a sustained reconciliation process developed and led by the Government of Afghanistan; efforts to combat corruption within the Afghanistan security forces at the local and national levels; funding and expertise for mentoring and training.

<i>Indicators of progress</i>	<i>Metrics</i>
Increase in the number of police and army personnel mentored, trained and operational according to an agreed structure	• Establishment of the North Atlantic Treaty Organization (NATO) training mission — Afghanistan • Number of Afghan National Army and Afghan National Police who have completed basic/officer level training • Number of Afghan trainers within the Afghan national security forces • Assessment of provincial reconstruction team support to Combined Security Transition Command — Afghanistan/NATO training mission — Afghanistan and police reform efforts led by European Union Police Mission to Afghanistan • Number of Afghan National Army troops who are fully operational without international support • Percentage of districts covered by operational police stations • Percentage of districts exclusively secured by Afghan national security forces • Percentage of security operations conducted with Afghan lead

<i>Indicators of progress</i>	<i>Metrics</i>
Improved level of secure access by the Government, the international community and non-governmental organizations to districts across Afghanistan	• UNAMA field office monitoring • Government monitoring • International Security Assistance Force monitoring
Improvement in the public attitude towards the police and army and of public perceptions of the security situation	• Assessment based on opinion polls and surveys • Number of requests for intervention

III. Economic and social development

Benchmark: Government policies backed by international support to promote sustainable economic growth that contributes to overall stability

Requirements for progress include the adoption and implementation of strategies by the Government of Afghanistan for the sustainable development of Afghanistan; alignment of donors behind Government-designed programmes; improved coordination and coherent support by the international community to the Government and adherence to the principles of aid effectiveness; and long-term commitment on the part of the donors.

<i>Indicators of progress</i>	<i>Metrics</i>
Well-designed national programmes, in particular in the priority areas of agriculture, capacity-building, higher/vocational education, private sector development and infrastructure	• Assessment based on results and data from the development assistance database
Increased percentage of aid aligned behind the Afghanistan National Development Strategy and Government priorities	• Assessment based on results and data from the development assistance database • Integration of the International Security Assistance Force Afghanistan Country Stability Picture into the development assistance database
More equitable distribution of development aid and Government expenditure throughout Afghanistan	• Assessment based on results and data from the development assistance database
Increased revenue collection and sustainable growth based on Afghan resources	• Assessment based on national economic statistics
Increased percentage of goods and services procured locally by international actors	• Assessment based on periodic studies and surveys

<i>Indicators of progress</i>	<i>Metrics</i>
Increased foreign direct investment	• Assessment based on national economic statistics
Increased development at the subnational level	• Provincial development plans are reflected in the central Government budget and funds are allocated as appropriate • Assessment on the alignment of development activities conducted by all subnational actors, including the provincial reconstruction teams, with the provincial development plans based on monitoring by UNAMA • Assessment of the coherence and effectiveness of capacity-building programmes at the subnational level based on monitoring by UNAMA • Assessment of the number of programmes implemented by and for Afghans based on monitoring by UNAMA
Decrease in the percentage of households living below the poverty line	• Assessment based on polls and surveys

IV. Human rights

Benchmark: improved respect for the human rights of Afghans, in line with the Afghan Constitution and international law, with particular emphasis on the protection of civilians, the situation of women and girls, freedom of expression and accountability based on the rule of law

Requirements for progress include sustained willingness to adhere to international humanitarian law; an independent and effective police, judicial and penal system across the country; adherence by the central Government and subnational governments to Afghan legal and constitutional norms; and appropriate allocation of funds for training, capacity-building and infrastructure, and for civil society

<i>Indicators of progress</i>	<i>Metrics</i>
Reduction in the number of incidents of unlawful use of force and in related intimidation involving civilians, and mitigation of the impact of the armed conflict on civilians, through compliance by relevant actors with international law	• Assessment based on monitoring by NATO/International Security Assistance Force • Assessment based on monitoring by Afghan national security forces • Assessment based on the application of the tactical directive of the International Security Assistance Force Commander • Assessment based on monitoring by UNAMA and the Afghan Independent Human Rights Commission

<i>Indicators of progress</i>	<i>Metrics</i>
Improved awareness by Afghans of their rights and by the Government of its obligations	• Assessment based on monitoring by UNAMA and the Afghan Independent Human Rights Commission
Improved impact of, and support for, measures (including legal and policy reform) to combat violence against women and girls	• Assessment based on monitoring by UNAMA and the Afghan Independent Human Rights Commission • Assessment of the number of criminal cases related to violence against women and girls successfully investigated, prosecuted and tried based on monitoring by UNAMA
Improved awareness of, and support for, measures (including legal and policy reform) in relation to impunity and the transitional justice agenda, as well as freedom of expression	• Assessment based on monitoring by UNAMA and the Afghan Independent Human Rights Commission • Implementation of the Action Plan on Peace, Reconciliation and Justice
Government fulfilment of reporting requirements on international human rights covenants and conventions and implementation of the recommendations from the Human Rights Council universal periodic review of Afghanistan	• Assessment based on monitoring by UNAMA
Improved capacity of Afghans and international actors, and primarily the Government, to respect, protect and fulfil human rights, including with the support of the Afghan Independent Human Rights Commission, the media and civil society	• Assessment based on monitoring by UNAMA and the Afghan Independent Human Rights Commission

V. Counter-narcotics

Benchmark: sustained trend in the reduction of poppy cultivation, narcotics production and drug addiction

Requirements for progress include effective programmes for alternative livelihoods and for combating crime and narcotics-related corruption; improved coordination between the Government of Afghanistan and neighbouring countries, including interdiction and counter-trafficking efforts; and improved coordination between the Government of Afghanistan and international security forces.

<i>Indicators of progress</i>	<i>Metrics</i>
Decrease in poppy cultivation and narcotics production	• Assessment based on monitoring by the UNODC
Increase in licit agriculture and related private capital investment in areas previously used for poppy cultivation	• Assessment based on monitoring by UNODC • Assessment based on monitoring by the Government
Decrease in addiction rates	• Assessment based on monitoring by the United Nations Office on Drugs and Crime
Increase in effective interdiction and counter-trafficking efforts, including through ISAF support to ANSF	• Assessment based on monitoring by the United Nations Office on Drugs and Crime • Assessment based on monitoring by the International Security Assistance Force



Security Council

Distr.: General
22 September 2009

Original: English

Letter dated 19 September 2009 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the attached written statement for the Security Council summit in connection with nuclear non-proliferation and nuclear disarmament, to be held on Thursday, 24 September 2009, at 9.15 a.m. in the Security Council Chamber (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Gary Quinlan



Annex to the letter dated 19 September 2009 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council

International Commission on Nuclear Non-proliferation and Disarmament

The International Commission on Nuclear Non-proliferation and Disarmament was launched in September 2008 as a joint initiative of the Australian and Japanese Governments. The Commission aims to reinvigorate the global effort to curb the proliferation of nuclear weapons and to secure further advances in nuclear disarmament. Australia welcomes the Security Council's initiative to hold a special summit on nuclear non-proliferation and disarmament and believes the Commission is uniquely placed to help build a global consensus ahead of the May 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT).

The Commission's report will be issued in early 2010 and its recommendations will outline disarmament steps all the way to the abolition of nuclear weapons, and the extension of global non-proliferation norms to non-NPT states. The report will emphasize the three pillars of the NPT as mutually dependent; its phased methodology is a pragmatic approach to eliminating nuclear threats. The Commission will be seeking to define a "nuclear-threat minimization point" (vantage point) from which progress towards zero might be achievable, including radically reduced arsenals and lengthened decision times for deployed weapons. The Commission's report will also cover the challenges of maintaining international stability while reducing dependence on nuclear deterrence; and the proliferation concerns potentially associated with growing interest worldwide in civil nuclear energy.

Although sponsored by the Australian and Japanese Governments and co-chaired by former Australian Foreign Minister Gareth Evans and former Japanese Foreign Minister Yoriko Kawaguchi, the Commission is independent. Its Commissioners are from every nuclear-weapon state and every geopolitical region and its approach makes it a unique contribution to the global debate. In bringing together senior political figures, military commanders and technical experts using language that is scientifically and strategically sound, the Commission speaks directly to decision makers around the world in a realistic and hard-headed way. It is inclusive in its proactive efforts to reach out to states not parties to the NPT. Moreover, the Commission is well-placed in its timeliness to capitalize on the consensus that has begun to emerge in the past year that the present situation of thousands of nuclear warheads held by a gradually expanding set of countries is a grave threat to global security and must be addressed.

Japan, as the only country to have experienced nuclear attack, and Australia as the custodian of the world's largest reserves of uranium, are two countries uniquely placed to make this important contribution to the global debate on nuclear weapons.

Commissioners

Gareth Evans
(Australia) (Co-Chair)

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Klaus Naumann
(Germany)

Shirley Williams
(United Kingdom)

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(Japan) (Co-Chair)

Gro Harlem Brundtland
(Norway)

Jahangir Karamat
(Pakistan)

Alexei Arbatov
(Russia)

Wiryono Sastrohandoyo
(Indonesia)

William Perry
(United States)

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(South Africa)

Brajesh Mishra
(India)

Wang Yinfan
(China)

Ernesto Zedillo
(Mexico)

**Security Council**

Distr.: General
22 September 2009

Original: English

**Letter dated 18 September 2009 from the Permanent
Representative of Mexico to the United Nations
addressed to the President of the Security Council**

I have the honour to refer to the NGO Declaration: Disarming for Peace and Development, which was adopted at the sixty-second Annual DPI/NGO Conference on 11 September 2009 (see annex). As you are aware, Mexico hosted this Conference, and my Government undertook the commitment to bring this document to the attention of the Security Council, given its relevance to the work of the Council during the current month.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Claude **Heller**
Ambassador
Permanent Representative



Annex to the letter dated 18 September 2009 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

NGO Declaration: Disarming for Peace and Development

Sixty-second Annual United Nations DPI/NGO Conference

We, the 1,300 participants representing over 340 Non-Governmental Organizations from more than 55 countries,

Introduction

Determined, as eloquently expressed in the Charter of the United Nations, to save succeeding generations from the scourge of war and to promote social progress and better standards of life;

Alarmed that 1,000 people per day are killed by small arms and 3,000 more are seriously injured;

Inspired by the Hague Agenda for Peace and Justice for the twenty-first Century (see A/54/98, annex), a 50-point proposal for getting from a culture of violence to a culture of peace, and *committed* to the abolition of war;

Guided by the Secretary-General's five-point proposal for nuclear disarmament of 24 October 2008;

Committed to promoting respect for cultural, religious and ethnic diversity as key to reaching peace and security;

Recognizing that security, peace, disarmament, human rights, gender equality and development are closely interconnected at the local national, regional and global levels;

Recognizing that progress in all these fields is essential for attaining the Millennium Development Goals, which also links this year's meeting to recent DPI/NGO meetings on climate change and human rights;

Having met at the sixty-second Annual United Nations DPI/NGO Conference in Mexico City from 9 to 11 September 2009;

Urge the following actions:

To Governments and international organizations:

Nuclear disarmament

1. At the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference, reaffirm and strengthen commitments to achieve a world free of nuclear weapons and concurrently to prevent their spread.
2. Promptly commence negotiations on a convention prohibiting and eliminating nuclear weapons globally within an agreed, time-bound framework.
3. Obtain the necessary signatures and ratifications to bring the Comprehensive Nuclear-Test-Ban Treaty into force without further delay and without conditions.

4. Complete negotiations on a treaty that bans production of fissile materials for nuclear weapons, brings all weapons-usable materials under safeguards, and fosters reduction of existing stocks.
5. Consolidate existing nuclear-weapon-free zones, promote cooperation between members of such zones, and create new zones, with the goal of achieving, in the near future, a global nuclear-weapon-free zone.
6. At the Security Council Summit on 24 September 2009, decide to propose plans for disarmament as provided by the Charter of the United Nations, and to reform the Council to make it more representative and accountable and therefore more capable of responding to violations of disarmament and non-proliferation obligations.
7. Declare October 27 as the annual International Day for a World Free of Nuclear Weapons.
8. Request the International Court of Justice to issue a new Advisory Opinion on the requirements for action following from the NPT Article VI obligation of "good faith" negotiation of nuclear disarmament.
9. Join and support the new International Renewable Energy Agency and make energy investment choices that phase out nuclear power and fossil fuels in favour of environmentally sustainable energy sources.

Small arms and other conventional disarmament

10. Regulate and restrict the military and law enforcement use and trade in arms, especially small arms.
11. Prevent the proliferation of small arms in the civilian population through strict government licensing, registration and regulation of the sale, possession and use of such arms.
12. Support a strong and effective arms trade treaty to regulate the global international trade in conventional arms. This treaty must apply to all types of conventional arms and all types of international transfers. An effective treaty must also prohibit international arms transfers where there is a significant risk that the transfer would violate international law, including international human rights law and international humanitarian law.
13. Implement the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region and the Programme of Action on Small Arms and Light Weapons and strengthen the United Nations Register of Conventional Arms.
14. Harmonize laws on domestic violence with laws for the prevention of violence committed with small arms.
15. Achieve universal adherence to and implementation of the Mine Ban Treaty and the Convention on Cluster Munitions.
16. Establish a ban on the use of explosive force in populated areas.
17. Undertake disarmament of major conventional arms (tanks, artillery, aircraft, etc.) in accordance with the longstanding United Nations objective of general and complete disarmament.

General

18. Redirect arms expenditure towards more productive and socially responsible alternatives that could help to diminish the world's rich-poor divide and in turn increase security.
19. Convene a fourth Special Session on Disarmament.
20. Declare the International Decade for Disarmament, 2010-2020.
21. Commence negotiations on a treaty to prevent the deployment or use of any weapon in space.
22. Establish a world space launch organization, which makes launch capabilities available to all States.
23. Commence negotiations on a global treaty on missiles and anti-missile systems.
24. Establish a verification regime for the Biological Weapons Convention (BWC), and achieve universal adherence to and implementation of the BWC and the Chemical Weapons Convention.
25. Establish a world agency for technology assessment relating to disarmament and development.
26. Responding to the global economic crisis, give special consideration to increasing employment, and to vulnerable groups, such as youth, women, children and indigenous people.
27. Promote the development of a high-level goal on preventing and reducing armed violence towards 2015, which will offer the opportunity to integrate security-related themes into the possible follow-up of the Millennium Development Goals.
28. Fully implement Security Council resolution 1325 (2000) and in particular ensure representation of women at all levels of decision-making on conflict prevention, management and resolution.
29. Fully implement Security Council resolution 1820 (2008) to prevent sexual violence in armed conflict.

To the United Nations system, via the Secretary-General:

1. Transform the United Nations Register on Conventional Arms into a true global observatory linking civil society organizations and United Nations agencies, to monitor and report all trade and use of weapons.
2. Encourage greater participation of civil society from developing and least developed countries in United Nations peace and disarmament forums, so that their local and regional perspectives are included within the discussions.
3. Involve new partners from strategic global networks as key elements to promote peace education, violence prevention, conflict resolution and development.

To NGOs and civil society:

1. Join and develop international NGO networks to promote peace, security, disarmament and development and support cross-sectoral forums building on this conference.
2. Strengthen the capacity of civil society organizations in the global South, through partnerships, information exchange and fund-raising.
3. Focus research on the impacts on development of armed insecurity, and develop best practices in disarmament.
4. Promote education for peace, conflict resolution, human rights (civil, political, economic, social, cultural and environmental) and gender equality as essential to a just peace and improved human security.

In conclusion:

The purpose of this declaration is simple. Its aim is to save lives and to reduce injuries, and in the case of nuclear weapons, to prevent the destruction of civilization. The benefits of peace and security far outweigh whatever short-term economic benefits the trade in arms may promise.

We request all peoples, organizations and Governments to recognize and promote the efforts of the many thousands of NGOs and civil society organizations around the world which promote peace and disarmament at the community level and are the roots of our international movements.

We thank the people and the Government of Mexico for their warm and friendly welcome at this, our first such meeting in Latin America.